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“Dining while Black” is being criminalized in North America

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4 May 2018

Recent events in Philadelphia, Pennsylvania and Saraland, Alabama remind us that black mobility, once controlled for centuries by slave owners, is still under assault - only now by the state. To the list of “crimes” including “walking while black,” “driving while black,” and “shopping while black” for which we are routinely persecuted, we must also acknowledge “dining while black”. The cases involving Rashon Nelson and Donte Robinson in a Philadelphia Starbucks, Chikesia Clemens in a Saraland waffle house, and Emile Wickham at Hong Shing Restaurant in Toronto, Canada remind us that black people are still not perceived as legitimate patrons. Indeed, regardless of our behaviour and appearance our very presence is often perceived as a threat, best contained with force.

At Starbucks on April 12th, 2018, Nelson and Robinson attempted to do what countless white people do daily, have a meeting. People customarily use Starbucks as their personal office, doing schoolwork, writing novels, using free WiFi, hanging out, and yes, using the restrooms, for hours on end. So, their mistreatment was not about an abnormal breach of the company’s accepted culture, but their attempts to participate within it. The refusal to let Nelson use the restroom was odd given a corporate model that invites, even depends upon, extending the client’s stay. Indeed, a company like Starbucks has made millions by convincing its customers to linger. So, when does lingering become loitering or vagrancy? When does hanging out become a crime? Apparently, the answer is when you are black.

The violent surveillance and policing of black people became fundamental to the practice of Transatlantic Slavery over the period of 400 years and was a means to terrorize, discipline, and immobilize enslaved Africans whose resistance entailed acts like running away. Similarly, the criminalization of vagrancy and the hierarchization of idleness has long been a colonial tactic to differentiate between citizens and undesirable populations. Across the transatlantic world, pro-slavery rhetoric sought to stereotype enslaved Africans as lazy, uncivilized, and idle beings whose lack of civility drove whites to compel their labour with corporal punishment. In this way, the “legitimate” idleness of rich white colonialists could be distinguished from the punishable idleness of the supposedly brutish and racially inferior “slaves”.

In Clemens case, a dispute about a charge for plastic utensils, allegedly led a waffle house employee to cancel her order and call the police. Therefore, we must ask how her refusal to pay for these items was perceived as a threat that warranted police intervention. Disturbingly, the confrontation with the police, caught on video, speaks to an utter disregard for Clemens privacy and dignity. As the scene unfolds, Clemens can be seen holding her hands across her breasts struggling to cover herself and obviously distressed by her exposure in the occupied restaurant. Ignoring her pleas for clarification, the three white male officers do not address her questions but precede instead to physically man-handle her to the floor, exposing her breasts, while immobilizing and cuffing her hands behind her back. The mortified Clemens can be heard exclaiming repeatedly “what did I do wrong?” As the scene unfolds one of the officers threatens to break her arm while the white hand of another officer wraps around her neck; an action with absolutely no logical purpose within the context of the attempted arrest but to terrorize or to choke.

It is hard to fathom a white woman, of any background, being treated in this demeaning fashion. Indeed, they rarely are. The historical function of patriarchy in a colonial society has enshrined certain forms of deference, respect, and protection as the purview of white females only. Indeed, slavery, premised on the animalization of black people, facilitated, and incentivized the sexual exploitation of enslaved black females as “breeders”; their children becoming the property of the enslaved female’s owner at birth. The public man-handling, physical assault, sexual violation, restraint, and inspection of Africans followed them from the coasts of Africa where they were first hunted, enslaved, and incarcerated in the bowels of slave ships as “cargo,” and later inspected, assessed, and sold at auctions and markets in the Americas. That the white male police officers could not conceive of a scenario where they first helped the obviously distraught Clemens to secure her dishevelled clothing before arresting her is a product of their inability to see her vulnerability and to treat her as a woman deserving of their respect, care, and consideration; one of the citizens that so many police department slogans proclaim are to be protected and served.

The actions of the police in both cases provoke questions about training, tactics, intelligence, morality, and racial bias. While the black Philadelphia police commissioner Richard Ross initially commented that his officers “did absolutely nothing wrong,” their conduct, as well as those of the officers in Saraland, demand that we question their actions *and* motivations. Police officers hold huge discretion in assessing the situations to which they are called to intervene. Indeed, the public and judicial system depend upon their ability to deduce threats and make judgements based upon rational, fact-based analysis. Clearly in both cases, they had the power and the responsibility to make better choices. They could have chosen to educate the over-zealous restaurant employees that disagreements over restrooms and plastic utensils, in the absence of real threats, was not their purview. No one had to be led away and certainly no one had to be handcuffed, exposed, or arrested.

The fact that Nelson and Robison were seen as threatening and idle loiterers as opposed to businessmen had nothing to do with their conduct and everything to do with their blackness. Similarly, that the police were even summoned to negotiate a dispute over plastic utensils was a product of the waffle house employee’s misperceptions and fears of Clemens as a black woman. That both incidents ended in arrests was due to the needless escalation by the police involved, officers who chose to act upon petty, racist complaints and in so doing, criminalized black people for everyday acts.

Links:

https://www.huffingtonpost.ca/charmaine-nelson/racial-profiling-montreal_b_4844670.html

https://www.huffingtonpost.ca/charmaine-nelson/racial-profiling-while-shopping_b_4168239.html

<https://www.theguardian.com/business/2018/apr/19/starbucks-black-men-feared-for-lives-philadelphia>

http://www.al.com/news/birmingham/index.ssf/2018/04/waffle_house_says_details_of_a.html

<http://www.foxnews.com/food-drink/2018/04/19/philadelphia-police-commissioner-apologizes-to-2-men-arrested-at-starbucks.html>