

© Dr. Charmaine A. Nelson, Professor of Art History, Tier I Canada Research Chair in Transatlantic Black Diasporic Art and Community Engagement, and Director of the Institute for the Study of Canadian Slavery

## Getting arrested for shopping while black

With the recent event at Barney's, New York, it would appear that blacks should add S.W.B. or "Shopping While Black" to the list of supposed crimes for which we are racially profiled. Trayon Christian, a 19-year-old college student purchased a \$350 Salvatore Ferragamo belt at Barney's, Christian alleges that he was stopped by undercover officers, questioned, hand-cuffed and taken to a local precinct.

27 October 2013

A few of years ago a man by the name of Joël Debellefeuille was out for a drive with his wife and stepdaughter. For the purposes of this story ,it is important that we note that this man is black and that the car he was driving was a BMW sport-utility vehicle. Blacks in Canada and the U.S.A. have devised an acronym for the supposed crime, which prompts police harassment of black drivers, often triggered by incredulity at the idea that any of us could possibly own a nice car legitimately (meaning without the ill-gotten gains of criminal activity). We call it D.W.B. or "Driving While Black". Joel was pulled over by two Longueuil (Quebec) police constables, because after running his plates, they reasoned that his name could not possibly match his skin colour. According to one of the officers,

If I run the plate and it comes back "Mr. Jack" and it's a woman driving, you know for sure she's not the owner. That means I'll stop her.... If I have an "Ebrahim" and it's a white man, a Quebecer who's driving, yes. Or if it's an Arab who's driving and it comes back "Dubuc," ya I'm going to stop him and check.

Debellefeuille refused to provide his ID and he was given two tickets. The case bounced around for two years, landing in the lap of the municipal court judge Pierre Tremblay who blasted the officers for racially profiling Mr. Debellefeuille. What is interesting to me in this horrible and potential hazardous case is how white people have conveniently forgotten the processes of colonization that *their* ancestors inflicted on people of colour, which included for enslaved Africans, the stripping of our African names and their replacement with our family names with the names of white European enslavers.

With the recent event at Barney's, New York, it would appear that blacks should add S.W.B. or "Shopping While Black" to the list of supposed crimes for which we are racially profiled. In April 2013, after Trayon Christian, a nineteen year old college

student from Queens had purchased a \$350 Salvatore Ferragamo belt at the upscale department store, Christian alleges that he was stopped by undercover officers, questioned, hand-cuffed and taken to a local precinct. The Barney's clerk had tipped off the officers. But why would the clerk be suspicious of Christian and his purchase? The purchase had been approved on his debit card. Let's see what *was* it about Christian that could have possibly made him suspicious in the clerk's eyes? Hmm...perhaps his blackness? Although some would argue that the catalyst was the intersection of his age, sex, and race (the fact that he is a young, black man) then how would one explain the alleged similar treatment of Kayla Phillips? Phillips is a twenty-one year old black female nursing student from Brooklyn who alleges that plainclothes officers, suspecting her of making a fraudulent purchase in February 2013 of a \$2,504 designer purse, also stopped her. In a scenario that sounds both frightening and humiliating, four plainclothes officers allegedly stopped Phillips three blocks from the store. As in the case with Christian, they demanded that she verify her purchase and produce evidence of the method of payment.

Although both cases occurred at Barney's, New York, let's not be foolish enough to think that this is not happening all the time in various stores, boutiques, malls and plazas all over the United States, Canada, and elsewhere. What is interesting here is that we have an escalation of sorts. Whereas black people are sadly, quite accustomed to being followed while shopping, in the cases of Christian and Phillips we have two people who not only successfully completed the purchase transactions, but also had the ID, receipts and methods of payment to prove it. That is why they were not stopped at the cash registers! It is not inconsequential that both Christian and Phillips were making what would be called "high end" purchases. But unless Barney's has never had a black person cross the threshold of their store before, they must be aware that there are many blacks, especially in a city like New York, who can afford to buy their products.

While blacks are targets for S.W.B in both "low" and "high" end establishments, it often takes the form of racial profiling and stalking in-store *prior to* the purchase, not after. As Oprah Winfrey's recent run-in with a boutique clerk in Switzerland attests, this racial profiling often takes the form of inferior or outright hostile service. In Oprah's case, while out shopping in her Donna Karan shirt and sandals, the white store clerk refused to let her see a \$38,000 crocodile skin bag by Tom Ford, informing the billionaire media mogul that it was, "too expensive". That Oprah bothered to note what she was wearing points out the self-policing that gets socialized into blacks; the ways in which we come to over-regulate our appearance and behaviour as a means to ensure that we are not subjected to such humiliating treatment.

But the sad fact is that it does not matter what we are wearing. In all of these cases, it was arguably not the "presentability" of Christian, Phillips, and Winfrey that resulted in them receiving poor service or being accosted after a purchase, it was their blackness. How Debellefeuille presented himself was also not the deciding factor in his subjection to racial profiling. Rather, the unifying factor is that these black people, who would all appear to be of middle or upper class backgrounds, dared to desire nice things, "high end" expensive purchases - cars, belts, and bags - for themselves.

DeBellefeuille refused to pay the tickets and persevered for two years in several courts in order to finally win his case. Christian is suing Barney's and the NYPD, and Phillips the latter. Meanwhile, Oprah used her media access at the moment of the launch of her most recent film success "The Butler" to speak out. Since blacks are often the victims of racial violence, a discussion about racial harassment while driving or shopping may seem trivial. However, given the frequency of unwarranted police surveillance against blacks, any type of racial profiling contains the seeds of potentially lethal violence. Acts like shopping and driving are not just mundane they are a constant part of our daily realities. As such, the potential for racist abuse is far too pervasive and needs to be immediately addressed.