

CASE SCENARIO: THE LIVED EXPERIENCE OF STEVE HARRIS, ESQ.

During my legal career I went to a variety of courthouses for various things well over 100 times. Every time I went I was wearing a suit and tie. With great regularity, (I'd estimate 75% of the time) I was either asked, "Do you have your attorney with you?" or restrained in some way by a bailiff. I would often have to show my bar card to prove that I was allowed to go past "the bar" (the divider) in the courtroom. This happened to none of my white colleagues (yes, I asked them). It was clear that my race made me "defendant" in the eyes of the judicial system. The clear message for me is that my race makes me suspect – that it makes me lesser. I don't believe that those people set out to target me because I'm black... I believe that their treatment of me is the conditioned response to blacks that this country's history has instilled in us.

In college I was a "campus host" so 2 or 3 times a month I would spend time guiding a visiting guest around campus. We always had to make small talk, and inevitably, I would get asked if I was on athletic scholarship or what sport I played. I was never asked if I had an academic scholarship. The stereotypes are ingrained in us.

With regularity, I get followed through stores. Last month it was at a Target. I can only assume that the security officers believe that I am the person in the store mostly likely to steal something, solely because of my race, and so they follow me.

I have been stopped a number of times by the police (15-ish or so times). Sometimes it was because I was doing 1 or 2 over the speed limit, sometimes it was because I "seemed to be lost" (in a white neighborhood). In every case when I was stopped for what I believe to be driving while black, there were a couple of things that happened. First, the police officer drove beside me and looked at me before pulling me over, and second, there was a long conversation about something unrelated to the stated reason they pulled me over. The conversations were either about why I was in that neighborhood, or about the nice car I was driving. In each of those instances I put on my "happy negro" face and did absolutely nothing that might get me killed, because in my mind I knew that was a possibility.

When I cross a border into the US in a car, I am nearly always interrogated. Last spring, on my way to Boston I stopped in Detroit to see a dear friend. From Detroit I drove across Canada to Niagara Falls, because it saves about 2 hours on the drive. Coming into the US, I showed my passport, and he asked me where I was going. I debated in my head whether to tell the truth, because I knew where this was going, but I decided to. He asked where I was headed, I told him Boston. He asked why, and I told him I was teaching a class at Harvard. He clearly thought I was lying. He then searched my car. He asked me if I had a letter proving that I was teaching at Harvard, and then started asking questions about my car. I gave him the complete history of my time at Harvard, including my student ID, and after 30 minutes he let me go. I can only assume that had I been white, that would not have happened.

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The above examples are just the tip of the iceberg. There have been times when I called to look at apartments that had vacancies, but when I showed up they suddenly did not. I often get ignored in higher end stores when the sales people are gracious and friendly to the white customers. Nearly every time I have bought a car it has been an extremely condescending experience. In most of my graduate school experiences, I have been excluded from study groups, assumed that I was there because of affirmative action, and mistaken for either food service or the custodial crew. I know these things because people told me. "I'm glad you're here even though you bumped my friend out of a spot in law school..." "We only asked the people we knew would do well to be in the study group." "Are you going to vacuum in here?"

I could go on and on, but the point is that nearly every day, I have an interaction with someone who says or does something that lets me know that person perceives me as lesser based on the color of my skin. It may be how I am treated by a cashier compared to the white person in front of me, or the looks I get for being in the wrong (meaning white) neighborhood, women clutching their purses or people crossing the street, or locking their car doors when they see me... It may be from hateful stuff that people post on Facebook or on twitter... not about me necessarily, but about blacks in general, or calling the president nigger, or monkey, or some other racial slur and using lynching imagery to talk about him. All of these, overt and subtle, day in and day out, serve to send me (and most blacks) the message that to this society, I am not as smart, not as valuable, not as deserving of respect as the white people in this society.

I am as educated as one can get, and I am squarely in the upper middle class, but I know that when I leave the house, in this society I am seen as "lesser". I have complete control of my temper, and as an attorney, I know exactly where all of the legal lines fall when I do interact with law enforcement, but every time it happens I wonder if this will be the time when I get beat or killed.

Let's just assume for argument's sake that most black people in America are having the same types of interactions with the larger society that I do. That the interactions they've had with the police have been at least as negative as mine, if not more so. How many times do I have to get stopped for doing nothing before I am allowed to express my anger? (And for the record, I usually get a name and badge number and report it, but as best I can tell it doesn't make a bit of difference). How often do I have to get searched or harassed, or detained by law enforcement before I have a right to stand up for myself and say, "Enough"?

So if I get stopped for "looking like I was lost" and I've had enough, and decide not to show the officer my ID, what happens? I get arrested, and maybe beat for being uncooperative, and after the fact, charged with something stupid like "hindering an investigation", and then resisting arrest, when the officer should not have stopped me in the first place. But, I got stopped because I looked suspicious by virtue of the color of my skin.

This happens all the time. This happens, in part, because there is an unconscious bias (sometimes conscious) in American culture that blacks are up to no good, and of lesser value. So, when these negative police interactions occur, there are some police officers who are perfectly willing to immediately escalate to full force, even when it is not necessary.

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One of the disconnects for many whites is that it is difficult to believe that this may be happening with any regularity, but it is. And if, for argument's sake that you believe me when I say it happens all the time that police harass, intimidate, and wrongfully arrest black people, especially black men (often because they protest being harassed) then some of the reaction to the Ferguson shooting makes more sense.

There are some who say Michael Brown broke the law as if that excuses the whole interaction. The questions that come up for me are things like, if the officer had more respect for Michael Brown would he have gotten out of the car to address him instead of just yelling at him from his car window. If the officer had actually gotten out of his car to address Michael Brown, would the interaction have gone differently? The issue for me isn't whether Michael Brown broke the law, I'm perfectly willing to say yes, he did. The issue is whether the police officer could have approached the situation in such a way that Michael Brown would not be dead, and if the police officer had seen Michael Brown as having more value, would he have treated him differently from the beginning of the interaction.

In theory, the police are supposed to protect and serve, and are specifically trained to de-escalate a situation. In the situation with Eric Garner he didn't attack the police, he didn't run, he just didn't want to be arrested, but the officers didn't try very hard to have a conversation with him, they just jumped him and put a choke hold on him, for allegedly selling cigarettes. That clearly could have been handled differently, but if the police have little regard for a black man, why bother spending time trying to deescalate... simply wrestle him to the ground and don't concern yourself with whether he can breathe or not.

The above examples are clouded for some by the underlying crime, so I would point to a few other examples that happened recently and were caught on tape. In September Lavar Jones was shot by a police officer. Mr. Jones had stopped at a convenience store and gotten out of his car. The officer followed him into the parking lot and asked him for his ID. When Mr. Jones leaned back into his car to get his ID, the officer panicked and shot him.

<https://www.youtube.com/watch?v=-XFYTtgZAIE>

In August, John Crawford III. went to Walmart to buy a bb gun for his son. While in the store, holding the BB gun he was on the phone. Someone in the store called the police, and when they showed up, they ran in and shot him. <http://www.theguardian.com/.../sep/25/ohio-shooting-walmart-v...>

In both of these cases, I would argue that the police could have approached it differently, but did not in part because of the race of the individuals (which is the larger issue). This is the experience of many black people in America, and the Brown and Garner cases are just extreme examples of what we experience every day.

There are protesters who damaged property – they are wrong. That doesn't excuse the behavior of the police. There is black on black crime. It is an issue. It doesn't excuse the behavior of the police. This is a single issue that needs its own attention, and the other issues can be dealt with separately, and they do not justify or excuse this issue.

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The Justice department just released the report of a 2 year investigation of the Cleveland Police Department. This is a majority white police department in a majority black city. The report (<https://www.documentcloud.org/documents/1375050-doc.html>) documents the pattern and practice of using excessive force.

There are lots and lots of examples that I could cite, and lots and lots of statistics that I could point you to, but ultimately I believe that the issue comes down to stepping outside of one's own experience and trying to understand the experiences of others. If most black people have had the experience of being treated as lesser based on race, then perhaps there is something to it, and it needs to be addressed.