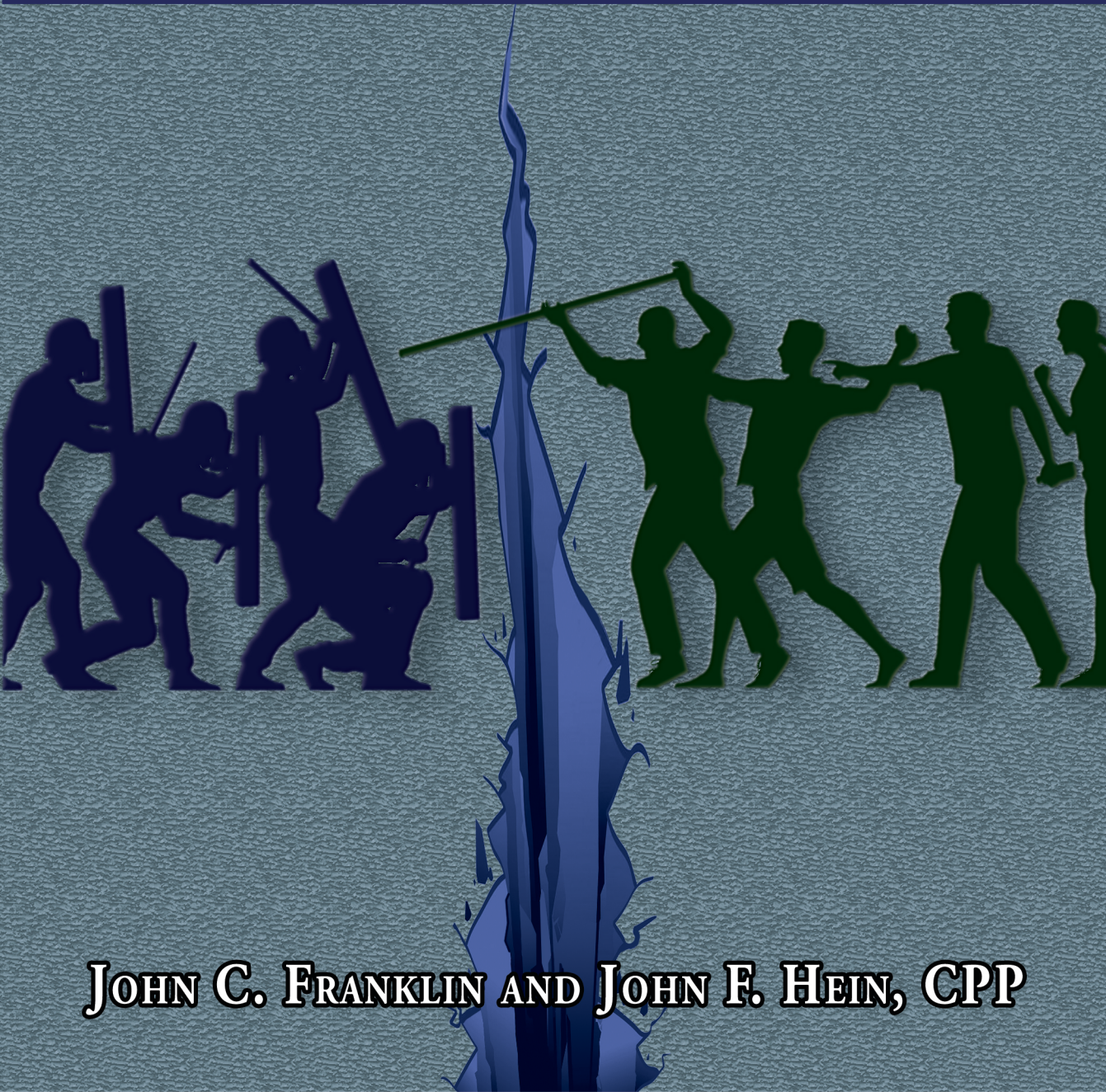


THIN BLUE FAULT LINE — POLICING AMERICA

A 21ST CENTURY CHALLENGE OF COMPROMISE



JOHN C. FRANKLIN AND JOHN F. HEIN, CPP

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POLICING AMERICA**

ABOUT THE AUTHORS

John C. Franklin's career in policing has spanned over 34 years. He is a 28-year veteran of the Chicago Police Department where he rose from patrol officer to commander before retiring in 2010. Since retiring from the Chicago Police Department he served as chief of the Dolton, IL Police Department in suburban Chicago and also as the Chief of Police, Jacksonville Arkansas. He also served as an adjunct professor of criminal justice at a Midwestern college. Between classes he mentored students seeking careers in law enforcement.

Franklin holds a bachelor's degree in media communications and a master's degree in criminal/social justice. He is a graduate of the Chicago Police Executive Development Program and the Northwestern University's Center for Public Safety/School of Police Staff and Command. He has co-authored two articles for PoliceOne.com with John F. Hein.

John F. Hein is a former university adjunct professor of criminal justice and a retired executive of the former U.S. Customs Service. Hein served 35 years in civilian and military security and law enforcement agencies. He began his civilian law enforcement career as a deputy sheriff in Joliet, Illinois. He spent 27 years as a special agent/criminal investigator in three federal agencies in Chicago, Miami, New York City and Washington, DC. During his career he also served as an active duty special agent with U.S. Army Military Intelligence, conducted port security duties with the U.S. Coast Guard Reserve and spent 23 years in the U.S. Air Force Reserve as a special agent with the Air Force Office of Special Investigations. He retired from the U.S. Customs Service when activated by the U.S. Air Force after the September 11, 2001, attacks.

Hein is a member of ASIS International, an association of security professionals, and is a Certified Protection Professional (CPP). He holds a bachelor's degree in Business Administration and a Master's Degree in Public Service. He is a graduate of the Federal Executive Institute, Charlottesville, VA.

He is the author of *Inside Internal Affairs: An In-Depth Look at the People, Process and Politics*, published by Looseleaf Law Publications, Inc. He has authored numerous articles published by PoliceOne.com and FedSmith.com.

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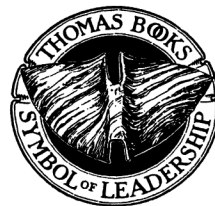
A 21st Century Challenge of Compromise

By

JOHN C. FRANKLIN

and

JOHN F. HEIN, CPP



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PREFACE

The authors of this work come from similar but diverse backgrounds. They share similar views and have collaborated to open a discussion and urge action to save lives. They did not write this book because of attacks on police officers, but because of overzealous actions by police officers to shoot black men.

John C. Franklin, a black man, was raised on the south side of Chicago in a strong, religious, middle-class family with a desire for a law enforcement career at an early age. He became a police officer in 1982 and rose to an executive management position before retiring in 2010. He has both an undergraduate and graduate degree. He taught college level courses as an adjunct professor and relishes mentoring motivated students and up-and-coming police officers.

John F. Hein, a white man, was raised on the south side of Chicago in a strong, religious, middle-class family with a desire for a law enforcement career at an early age. He became a deputy sheriff in 1973, and a federal law enforcement officer in 1974. He rose to an executive management position before retiring in 2001, when recalled to active duty as a military reservist after the 9/11 attacks. He has both an undergraduate and graduate degree. Hein taught college level courses as an adjunct professor and still enjoys mentoring motivated individuals.

It is obvious to the authors many police officers do not understand expectations, sensitivities and demands of 21st century citizens. New century officers must understand he or she must follow a code of ethics and offer justice and fair treatment to all citizens, while also understanding that segments of the public oftentimes feel no restraint and are more than willing to show disrespect and a defiance to authority.

Franklin and Hein have witnessed firsthand difficulties experienced in some black communities. They use their knowledge to analyze and discuss the interactions between American policing, a sub-culture of the black community and the BLM movement. Many ills in some black communities are not adequately addressed and black on black crime continues at an alarming rate. Disputed blue on black shootings do not seem to be subsiding and

without efforts from the black community the deadly turmoil between two diverse cultures will continue.

Problems exist in some black communities not only because of racism and inherent discrimination, but because one would not dare criticize certain aspects of black culture in an overall effort to effectively deal with historic and deeply rooted problems. These problems, like absentee fathers and violence in schools, continue to plague many black communities because to violate political correctness would only intensify the resistance to criticism shown by black pundits.

The authors hope their assessment will be viewed as constructive and that it instigates action that continues to improve American policing and begins to expand the horizon of a sub-culture that seems to disrespect itself. The authors do understand, however, their views are controversial and may not be accepted or understood by many even though we have cited many sources of support to present our perspective. We further understand this work may be discounted by some because it is peppered with our personal anecdotes, but we have witnessed what we discuss, we experienced it and discussed it with many others as it happened.

INTRODUCTION

We may anger many because the following contents are controversial. We tell it like we see it and we are not politically correct when we say it. We focus on the police and on how bias, attitudes, strategy and tactics sometimes cause intense citizen responses through public statements, outbursts and demonstrations. We discuss the causation of hostility by people of color; it starts with police actions. We examine the creation of the Black Lives Matter (BLM) movement; it was created because of a pervasive opinion that black men were being killed at an alarming rate by mostly white police officers under controversial circumstances. We explain the movement's contentious relationship with American policing; inflamed by the police. We debate the successes of the BLM movement; unconsciously given strength by the police. We reveal how public demonstrations can become riots because of police militarism. We argue the differences between American policing and the culture of the American black community. We give credit to police leaders for acknowledging these differences and making changes needed to face 21st century challenges. We conclude our discussion with placing responsibility of compromise on seemingly detached, black leaders and pundits, some in denial, who place the ills of the black community solely on discrimination. But, it all starts with historical policing missteps.

Police strategy is the design and direction of the manner in which American policing enforces laws and maintains the public order. Police tactics is the approach and deployment of the overall strategy. Since there are over 18,000 law enforcement organizations in the United States, each department can have a different strategy or strategies depending upon neighborhood composition, citizen cultures, crime rates, economic factors, travel patterns and various other reasons. Tactics, on the other hand, are usually similar in any department because of human factors, policy, procedures, the U.S. Constitution, federal and state court decisions and American ethical and moral attitudes.

Police and citizen frustration runs high when some police actions violate the U.S. Constitution and rules of right conduct. This same wrong conduct causes a media frenzy because of its ability to fill media space and arouse

citizen action. Individual citizens and especially citizen advocacy groups confront elected officials and public servants in bewilderment, questioning a policy, decision or action.

Since the first watchmen were recruited in the colonies, problems with corruption and negligence of duty in policing were encountered and finding men who would take the position seriously was difficult. Students of history know during the 17th and 18th and most of the 19th centuries when law enforcement was, for the most part inadequate, private enforcement by railroad barons, sheriff's posse and vigilantes was common. During this period, law enforcement and punishment were frequently taken into individual hands to avenge a crime without authority of law. It was commonplace that retribution was arbitrary and summarily delivered with limited evidence (Wadman & Allison, 2004).

Starting in the late 19th century many civic minded citizens created committees to recommend ways to improve police services. Many recommendations, if implemented, were short lived because of corruption and political agendas. Early in the 20th century, civil service standards helped improve policing but politics continued to stymie many efforts (Wadman & Allison, 2004).

With the passage of the 18th Amendment by U.S. Congress that prohibited the manufacture, sale and transportation of intoxicating liquor, elected officials and, in tandem, American law enforcement, became so scandalously corrupt that in 1929, President Herbert Hoover created the National Committee on Law Observance and Enforcement. The committee, commonly called the Wickersham Commission, found a broad pattern of police misconduct throughout the country (Walker, 1977).

Throughout much of the 20th century, American law enforcement was a public service, like many others, that was undervalued and underfunded. Although undervalued, some in society did appreciate the worth of a professional criminal justice system. Academics like August Vollmer and O.W. Wilson studied policing and Wilson, periodically, put his management theories into practice as chief of police in Fullerton, California, Wichita, Kansas, and finally as Superintendent of the Chicago Police Department. Academia had additional influence by developing scientific applications that were adopted for criminal justice purposes. The federal government had limited influence on local policing through the first half of the 20th century, but the FBI National Academy was opened in 1935, to standardize and professionalize policing across the country (Federal Bureau of Investigation, n.d.). The FBI also led the use of science in American criminal justice.

The federal government had a much greater impact on American law enforcement during the second half of the 20th century. U.S. Supreme Court decisions helped professionalize policing. For example, *Mapp v. Ohio*, 367

v. 643 (1961), created the exclusionary rule that prohibits evidence collected in violation of the U.S. Constitution from being used in a court of law; *Escobedo v. Illinois*, 378 U.S. 478 (1964), extended the right of counsel to not only those charged with a crime, but also to those detained for a crime; and, *Miranda v. Arizona*, 384 U.S. 436 (1966), that required incriminating statements could only be used at trial if the defendant was aware of his right to counsel and his right against self-incrimination. In addition, federal grants, legislation and consent decrees used to reform police departments have all affected American law enforcement in a beneficial way (Jackman, 2017).

Much of the federal efforts begun and legal challenges made in the 1960s were hastened because of the police response to civil rights demonstrations in the 1950s; employing the thoughtless and unwise use of fire hoses and police dogs. It can also be said these efforts had some impact on department modernization, policy and the legal rules of evidence but a lessor impact on police culture.

In the latter half of the 20th century and entering into the 21st century, as officers became more educated and training more demanding, citizens, too, became more educated and more demanding. Recent history has revealed excellent police service, but at the same time there have been lapses in professional conduct that have caused shock and panic among citizens, certainly citizens of color, resulting in demonstrations pleading for more unbiased, less confrontational and adversarial policing tactics.

We intend to outline the problems of American law enforcement in the 21st century thereby explaining why a broad social segment is critical, demanding and demonstrates against American policing. A number of officers cause the majority to be characterized as corrupt, biased and widely unprofessional. It seems when one officer commits egregious misconduct, one size fits all. Exhibitions are sometimes focused on one or a few officers or one department for questionable actions taken, while others can be comprehensive.

However, a wide number of officers may become verbally defiant when confronted with criticism and may show contempt for detractors. Further controversy is created by the way citizen criticism is presented through confrontations and riots and the responding actions taken by American policing to meet the turmoil. One culture meets another.

The culture of any department can be a subculture of the city or area in which its members serve, but a department can also include numerous cultures exhibited by its officers. A department culture can be one developed over many years created by strong ethical leadership or one created by an uncaring corrupt command structure.

In police culture there is a so-called code of silence, the protection of officers no matter what the situation. The code, while not accepted by all,

demands ‘I see, speak, and hear no evil.’ This code contributes to a detachment with citizens that does not appear to be on the mend. Some officers, leaders and seemingly all union officials deny wrongdoing by officers even when no direct knowledge of the incident is apparent. Citizens, typically people of color, are asking, cajoling, challenging, and demanding more professional police service. In response, police representatives criticized, condemned and faulted those who passed severe judgements. Although unwise police responses to criticism is arguably subsiding, citizen actions that sometimes cause questionable police actions is still prevalent. It seems American policing is alone in efforts to make culture changes. In addition, most recent attempts by police to limit blatant violations of policy, rules of right conduct and the U.S. Constitution have been stymied by the lack of federal funding and coordination. No one has yet to step forward to promote and maintain communications between citizens and the police profession in an efficient and courteous manner. Sporadic attempts have been made but none have had confidence of success. It is difficult to problem solve when all sides do not share the same agenda.

We are hopeful this publication will be a small part of a snowball effect causing more serious discussions and comprehensive attempts to resolve complaints and save lives. Currently, American policing is limited by unilateral change and a political climate where many are talking but few are listening.

This narrative may be of special interest to the critics of American policing and those who condemn unprofessional actions, attitudes and command presence by officers. Others may find interest as more controversy is added as we discuss problems caused by subcultures in society that are confronted by American policing.

American policing in the 21st century seems to be more challenging than ever but a greater challenge must be faced by the black community if any lasting changes are to be sustained.

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CONTENTS

	<i>Page</i>
<i>Preface</i>	v
<i>Introduction</i>	vii
CHAPTER ONE: CAUSATION OF HOSTILITY BY PEOPLE OF COLOR	3
Old Man Crow Is Dead, But His Spirit Is Still with Us	4
A Decade Causing Change	8
The Enjoyment of Domestic Travel	9
Changes Couldn't Come Fast Enough	9
The New Century Is No Different Than the Last One	11
Two-Tiered Justice: One for Blacks and The Best for Whites	15
Reflections of A Black Mother and A White Cop	17
CHAPTER TWO: HOW WIDE IS THE DIVIDE?	23
What Did Your Daddy Do?	24
All in The Name of The Lord	25
Redistribution—WHAAT?	27
Is Justice Equality?	28
There Is Equality and Then There Is Justice	29
The Struggle Over Fairness	30
How Fair Is the Justice System?	31
The System Must Protect the Accused but Also the Victim	33
What to Do About the Divide?	34
The Divisions Continue Along with Poor National Leadership	39
CHAPTER THREE: BLM ACCOMPLISHMENTS AND POLICE RESPONSES TO BLM CRITICISM	43
The Determined Face	44
Take Notice	45

American Policing Assistance to the Black Lives Matter Movement	46
CHAPTER FOUR: MORE ABUSE—MORE DENIAL—MORE CRITICISM—LESS RECRUITS	
More Abuse, A New Age for Protests and Politics as Usual	49
How Far Do the Protections Go?	50
More Denial: A History	51
Groupthink and The Code of Silence	52
Reach Out and Touch Someone Went Awry	53
More Criticism - Do I Really Want This Job?	55
CHAPTER FIVE: CRIME V. TERRORISM AND THE USE OF FORCE	
Difficulty Finding The ‘Sweet Spot’	63
Terrorism is a Felony	64
Eye for Eye, Tooth for Tooth	66
Crime of Passion	67
Crime of Opportunity	67
Crime of Premeditation	68
What Creates A Criminal?	69
Hey Fool, Your Actions Are Being Recorded	70
Covering Your Butt and The Use of Force	71
Terrorism Is More Than an Explosion	72
Rioters and Street Thugs Are Not Terrorists	73
Will It Be Kabul Or Mayberry?	75
CHAPTER SIX: SELF-UNDERSTANDING	
Who Is to Blame?	81
Community Policing Is Proactive, Not Aggressive	82
Not Everyone Has A Code	83
No Place for Jackass Policing	84
Regressive Pull	85
I Might Be A Bad Guy, But You Are Responsible for My Safety	87
You Know It but Are Not Supposed to Say It	89
Officer, You and I Are the Same, But You Don’t Know It	91
The Hood Disease	93

CHAPTER SEVEN: CHANGE CANNOT BE UNILATERAL 97

- Attempts and More Attempts 97
- Consent Decrees and More to Reform 99
- The Complexity and Politics of the Criminal Justice System 101
- Who Are the Police? 102
- A Violent Society, Bias and Police 103
- What Goes Around Comes Around 104
- Collateral Damage 105
- Mindfulness and the Police 106

CHAPTER EIGHT: ISN'T THERE ANY AGREEMENT? 111

- Who or What Is to Blame? 112
- Right Rules of Conduct 114
- Rules of Conduct are Multicultural 115
- The Mainstream 116
- The Plumber's Butt Effect 116
- Are You Not Black Enough? 117
- Cosby Led Two Lives Until 119
- Let's Not Set The Standard Too High 121
- It's Oprah's Turn On Defense 121
- Is the Desire to Circle the Wagons Breaking? 123
- You're Not Black Enough Because You're Part of the
Mainstream 125
- Like-Minded, But Nothing Changes 126
- James Comey Was Leading Us In The Right Direction 128
- American Policing Cannot Do It Alone 129
- Not Everyone Wants A Culture Change 133
- Is There Equal Opportunity? 135
- Successes and Failures 136
- The Fix Would Violate Political Correctness 137
- We Are Not Alone 139

CHAPTER NINE: WE OFFER NO APOLOGY 145

- The Backlash Of Political Correctness 146
- Crying Babies Get Sympathy 149
- Crying Babies Get Action 150
- Rioting Young Blacks Get Arrested 151
- No Leadership, No Seat at The Table 152
- Responsibility Is A Three-Way Play 152

Does A Principled Compromise Compromise Principles?	155
You Have Our Attention	156
What Is to Be Done?	158
Will the Prosecution of R. Kelly Change the Black Community? . .	161
Is the Time Right for Change?	162
“It Ain’t Over till It’s Over”	164
<i>Bibliography</i>	169
<i>Index</i>	181

AUTHORS' NOTE: RACE-NEUTRAL REFERENCE

We suggest that since the beginning of time there have been disputed ideas regarding almost everything. We debated how we would identify the traditional divisions of the human race. Our intent is not to insult, disrespect, offend or provoke. There is little to no controversy calling a member of the Caucasian race as white. However, there may be more than a minor debate on how to describe the Negro race. Over time we have heard many descriptions, such as black, Negro and African American. Since we decided to describe the Caucasian race as white throughout this book, we decided to describe the Negro race as black. We also use the terms, such as: blacks, black culture, black subculture, black men, black leaders and black community. Unless the word black begins a sentence, is indexed, is in a chapter title or sub-heading, or is part of a formal title like Black Lives Matter, the term black is not capitalized.

**THIN BLUE FAULT LINE—
POLICING AMERICA**

Chapter One

CAUSATION OF HOSTILITY BY PEOPLE OF COLOR

I look to a day when people will not be judged by the color of their skin, but by the content of the character.

Dr. Martin Luther King, Jr.

American policing has never had a stellar reputation with minorities. It can be said any minority in history has been abused, belittled, taken advantage of and more. This callousness has caused a hostility by the black community towards American policing. Paraphrasing Dr. Victor E. Kappeler in his article: *A Brief History of Slavery and the Origins of American Policing* (2014), he writes:

The creation and progress of American policing can be traced to many historically significant attitudes, events and conditions. Slavery and the control of slaves, however, were two of the more menacing features of early American society shaping policing. Some modern police departments started out as slave patrols and Night Watches, both designed to control the behaviors of the slaves. Kappeler goes on to say, “For example, New England settlers appointed Indian Constables to police Native Americans (National Constable Association, 1995), the St. Louis police were founded to protect residents from Native Americans in that frontier city, and many southern police departments began as slave patrols. In 1704, the colony of Carolina developed the nation’s first slave patrol. Slave patrols helped to maintain the economic order and to assist the wealthy landowners in recovering and punishing slaves who essentially were considered property.” (Kappeler 2014)

Again paraphrasing Dr. Kappeler, he states: a person with white skin could also be discriminated against in early America, but being Caucasian unquestionably made things easier for some minorities to be included in the melting pot of America. Persons with black, red, yellow or brown skin has had greater difficulty in assimilating into the mainstream of American society. Kappeler continues to state: “The additional burden of racism has made that transition for those whose skin is black, brown, red, or yellow more difficult. In no small part because of the tradition of slavery, [b]lack people have long been targets of abuse. The use of patrols to capture runaway slaves was one of the precursors of formal police forces, especially in the South. This disastrous legacy persisted as an element of the police role even after the passage of the Civil Rights Act of 1964. In some cases, police harassment simply meant people of African descent were more likely to be stopped and questioned by the police, while at the other extreme, they have suffered beatings, and even murder, at the hands of [w]hite police. Questions still arise today about the disproportionately high numbers of people of African descent killed, beaten, and arrested by police in major urban cities of America.” (Kappeler, 2014)

OLD MAN CROW IS DEAD, BUT HIS SPIRIT IS STILL WITH US

In late 1898, white supremacists overthrew the government of the City of Wilmington, NC, and forced the resignation of elected officials. Reportedly, 60 black citizens were killed and many prominent blacks were expelled from the city. In the late 1890s both the white and black communities shared the authority of government, but some whites believed blacks were becoming too powerful because of the number of public offices held. Because of racial prejudice, the principles of democracy were abandoned by the more powerful white community. A group of elite whites issued what was to be known as the Wilmington Declaration of Independence. The declaration announced “whites had the right to ‘end the rule by Negroes,’” because the elites paid the vast majority of property taxes (Crain, 2020).

In time, the supremacists altered state law to suppress the black vote and to deprive the black community of their liberties. In 1896, prior to the subversion there were more than one hundred thousand black voters in the state of North Carolina. By 1906, there were only about six thousand black voters in the state (Crain, 2020).

A political handbook was circulated naming America as “white man’s country.” White Government Union Clubs were organized whose principles called for “the supremacy of the white race” (Crain, 2020).

By 1899, the state legislature passed a constitutional amendment charging a voter’s fee or poll tax and requiring voters to pass a literacy test “unless the father or a grandfather had voted before 1867.” The amendment was meant to place a restriction on poor black and white voters, too, in order for elite whites to control government. In addition, the legislature eventually passed Jim Crow laws segregating passenger rail cars, along with toilets, parks, water fountains and even courtroom Bibles (Crain, 2020).

The state of North Carolina is still attempting to suppress the vote as we enter into the third decade of the 21st century. In 2018, the legislature enacted a constitutional amendment that limits voter participation to those who possess state-issued photo identification (Crain, 2020).

According to the Jim Crow Museum of Racist Memorabilia, Jim Crow refers to a caste system which operated primarily in southern and Border States to segregate Black Americans from whites. Beginning in 1877, Jim Crow laws, black codes or etiquettes created a way of life and restricted the liberties of blacks.

The Jim Crow Museum of Racist Memorabilia is located on the campus of Ferris State University, Big Rapids, MI. David Pilgram calls himself a collector of racist garbage. He believes Jim Crow laws are more than a collection of ‘whites only’ signs, but the imagery and others like it supported the laws and the life they created for blacks. Pilgram does not want the horrors of Jim Crow to be ignored. He believes long before the September 11, 2001, attacks, blacks were well acquainted with terrorism. He found that many students, both black and white, believed he was exaggerating when he showed them his collection and described the awfulness of Jim Crow. The museum collection and others like it depict “all the hurt and harm done to Africans and their American descendants.” The museum is a teaching laboratory; using items of intolerance to teach tolerance (Pilgram, 2012).

States that recognized the caste system authorized the placement of Jim Crow ‘white only’ or ‘black only’ signs above water fountains, door entrances and exits and other facilities where blacks and whites

transited. There were separate hospitals, schools, churches, restrooms and prisons. Visitors of the American Museum of American History in Washington, DC can view a section of a lunch counter from the Woolworth's store in Greensboro, NC.

According to the museum website: "Racial segregation was still legal in the United States on February 1, 1960, when four African American college students sat down at this [pictured on the website] Woolworth counter in Greensboro, North Carolina. Politely asking for service at this "whites only" counter, their request was refused. When asked to leave, they remained in their seats. Their sit-in drew national attention and helped ignite a youth-led movement to challenge inequality throughout the South. Protests such as this led to the passage of the Civil Rights Act of 1964, which finally outlawed racial segregation in public accommodations" (Pilgram, 2012).

Many Christian theologians taught their followers the white race represented the Chosen people and, therefore, many Christians believed God supported racial segregation. Many medical professionals believed blacks were intellectually and culturally inferior to whites. Many politicians gave speeches attesting to the inferiority of blacks and the dangers of integration and mixing races. Many whites believed treating blacks as equals would encourage mixed unions producing interracial children which would destroy America (Pilgram, 2012).

A black man could not shake hands with a white man and even an attempt to offer a hand to a white woman risked he be accused of rape. Because of implied intimacy, a black man could not offer to light a cigarette for a white woman. The races were not to eat together, but if they did, a partition would separate the races and whites were to be served first. Blacks could not show affection in public because it would offend whites. Etiquette also held that a white man or woman was never introduced to a black person, a black man or woman must be introduced to a white person. Whites never used a courtesy title like 'sir' or ma'am for a black person, but called them by their first name (Pilgram, 2012).

According to the Jim Crow Museum of Racist Memorabilia:

- Oklahoma prohibited blacks and whites from boating together.
- In 1905, Georgia created separate parks for blacks and whites.