PLAYING FAIR: THE FIGHT FOR INTERRACIAL ATHLETICS IN BALTIMORE

by

Sara Patenaude
PhD Candidate
History Department
Georgia State University

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In the fight against segregation, there existed two main courses of action. One was grassroots protest, coming in the form of sit-ins, boycotts, and demonstrations; the other used the courts to challenge the legality of Jim Crow. The fight to desegregate Baltimore's public parks used both methods, often with grassroots organizers bringing in legal aid from the NAACP. As the legal struggle against racial segregation in Baltimore's public parks repeatedly failed, it was only the consistent demonstration of public opinion for integration that made desegregation of the parks possible. The struggle against segregated public recreation spaces in Baltimore shows how actions by everyday people often set the agenda for the actions of institutional organizations like the NAACP, and how such efforts create social change in spaces outside of mandated areas of societal interactions.

The civil rights movement affected all areas of people's lives – not just where they worked, lived, and went to school, but where they congregated and played. Studying public parks broadens the picture of not only the civil rights movement in Baltimore, but throughout the United States. Public spaces in particular are very important because they are the areas of voluntary interaction and mingling. In a school, where attendance is compulsory, integration can be imposed by those in charge. In places where attendance is voluntary, though, integration requires a societal change. Without the general public supporting integration for themselves, places like parks would remain effectively segregated, even after discriminatory policies were removed.

The late 1940s and early 1950s saw numerous protests throughout Baltimore. Some, like the 1947 interracial youth basketball game, led to cancellation of programs.[1] Others, like the continued complaints about the unequal golf courses, resulted in systems of staggered play with alternating days for black and white players.[2] Concessions were won in fits and bursts, depending on the facility, the members of the Park Board, and the amount of public attention and support the protesters were able to attract. The struggle for desegregation in the Baltimore parks

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1 Official Minutes, Baltimore Board of Recreation and Parks, 1946-Present. Baltimore City Archives, Baltimore, Maryland, January 20, 1948. Hereafter abbreviated Minutes BBRP.

2 Minutes BBRP, July 20, 1948.

culminated in the 1955 decision by the Park Board to integrate all park and playground facilities.[3]

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"Rule #1" of the Public Parks Rules and Regulations stated: "The public parks being the property of the people shall be open to all persons upon absolutely equal terms...These rules and regulations shall...apply to all parks and squares, roads, boulevards,...or places of any kind which now or hereafter may be under the jurisdiction or care of the Board...."[4] Even with this seeming endorsement of equality, the Recreation and Parks department maintained separate golf courses, tennis courts, and other playfields for whites and blacks. Unsurprisingly, the black facilities were fewer in number and poorly maintained compared to those set aside for whites, leading to decades of complaints, protests, and legal actions by community organizations and the Baltimore branches of the NAACP, the Urban League, and the Progressive Citizens of America.

No desegregation effort in Baltimore was as plagued by starts and stops as the golf courses. The city of Baltimore maintained four municipal golf courses spread throughout the city: Mount Pleasant in the north, Hillsdale in the northwest, Clifton Park in the northeast, and Carroll Park in southwestern Baltimore. Of these courses, three were full 18-hole links, with grass greens, field houses, and locker rooms. The fourth, Carroll Park, had only 9 holes, "greens" made of packed sand, and no field house. Opened on July 4, 1924, Carroll Park was largely used by residents of south and southwest Baltimore, and by 1931 plans were being made to construct a field house for the course to bring it more in line with the other three.[5] All of the municipal golf courses were reserved for white players only.

By the early 1930s, black golfers had begun to complain about the lack of facilities available for their use.[6] As the complaints grew, the Board of Recreation and Parks began making plans for a black golf course. Due to the budgetary constraint of the Great Depression,

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3 Minutes BBRP, November 18, 1955.

4 Barry Kessler and David Zang, *The Play Life of a City: Baltimore's Recreation and Parks, 1900-1955* (Baltimore: Baltimore City Life Museums, 1988), 31.

5 "Golf Course Opens at Carroll Park," *Baltimore Sun*, July 5, 1924; "New Field House to be Built at Carroll Park Golf Course," *Baltimore Sun*, December 27, 1931.

6 This is perhaps partially in response to a July 26, 1930 article in the *Baltimore Afro-American* entitled "Few Negroes Now Play Golf, Physical Educator Asserts." The article emphasized the benefits of outdoor activities such as golf, stating, "Colored men and women should go in for golf. Segregation has forced the Negro to live closer together and to mill about within the congested limits of his restricted environment for most of his enjoyment....Unlike the confining recreation of a night of cards, the companionship of the links in a two or three mile jaunt from green to green with good comrades makes for a broader, happier life."

the development of a new course was not possible; instead, the Board decided it would reserve one of the already-existing courses exclusively for black players. With only nine holes, no field house, and a lower visitor rate, Carroll Park was determined by the Board to be the "natural choice."[7] In August 1934, the Board announced its plans to convert the Carroll Park golf course to a black facility.[8]

The uproar was immediate. Opponents to the black Carroll Park course packed into the September 18th board meeting; the group included a dozen residents from the area near Carroll Park as well as three city councilmen.[9] The main goal of the protestors was to emphasize "the unwillingness of the residents and property owners in the southwest section to have a negro golf course 'saddled' on them." Councilman William J. Murphy also expressed his belief that a black course would be contrary to the "established traditions" of the area, stating that "traditions would be broken down if any play by colored people were permitted, and that the objection of his people was to their playing at any time," and calling the Carroll Park area a historically "lily white neighborhood."[10] Others protested the change on the basis of fears of declining property values, increasing violence as blacks came into the neighborhood to use the park, and even miscegenation, "pointing out that girls played golf and that mixed play would be very objectionable on that account."[11]

Board members attempted to explain to the bristling crowd that the continued lack of a golf course for blacks in Baltimore was simply not an option. President of the Board David W. Jones proclaimed that the 17 percent of the city population which was black had needs as well, to which Councilman Murphy replied, "that the people in his section were not interested in that problem, and that Carroll Park belonged to the citizens in the southwest section, who were not concerned about parks in other sections." President Jones then appealed to the practical side of

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7 Official Minutes, Baltimore Board of Recreation and Parks, 1946-Present, Baltimore City Archives, Baltimore, Maryland, September 18, 1934.

8 "Negro Golf Order Revised by Board," *Baltimore Sun*, September 19, 1934.

9 "Negro Golf Order Revised by Board."

10 Official Minutes, Baltimore Board of Recreation and Parks, 1946-Present, Baltimore City Archives, Baltimore, Maryland, September 18, 1934; "Negro Golf Order Revised by Board."

11 Official Minutes, Baltimore Board of Recreation and Parks, 1946-Present, Baltimore City Archives, Baltimore, Maryland, September 18, 1934. Hereafter abbreviated Minutes BBRP.

the issue, pointing out that if the black golfers took their complaint to the courts, it would look bad for the city to not provide any black golfing facilities whatsoever.[12]

In the end, the Board capitulated in part to the Carroll Park residents. Rather than changing Carroll Park Golf Course to an all-black facility, the Board determined to establish a system of staggered play. Black golfers were given exclusive use of the course on Mondays, Wednesdays, Fridays, and the first and third Sundays of each month, with all other days reserved for white players.[13] The black golf community complained that they had been given the "least desirable of the municipal course," and even then, only part time. Additionally, the golfers believed that "the fact that the Carroll Park course has but nine holes, of sub-standard length; is not provided with the customary sand-traps, water and other hazards, and has sand greens, rather than grass ones, was cited as evidence that, even as a jim crow [*sic*] course, it does not represent equal accommodation."[14]

It was another two years before the Board re-considered its policy at the Carroll Park course. At 2:30 in the afternoon on April 29, 1936, attorney Dallas F. Nicholas of the black Monumental Golf Club, along with another black man, attempted to purchase greens fee tickets for Mount Pleasant Golf Course. The cashier, clearly flustered, called over the course's golf professional, asking him to confirm that the two men standing before him were black. Mr. Schreiber, the golf pro, responded by placing phone calls to the General Superintendent of Parks and a park commissioner for instructions, but neither was available.

When a police officer came over to find out what was going on, he told the men that Carroll Park Golf Course was available several days each week for black players. At that point, Nicholas pointedly asked the cashier if she was refusing to sell him a ticket, to which she replied, "This is just as embarrassing to me as it is to you, I'm sorry." Nicholas then asked "Who around here has authority to say that I cannot play on this course?" Schreiber answered, "Until I receive instructions, I'm sorry." After getting the names of those involved, Nicholas stated, "that is all we want to know," and both men left.[15]

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[12] Several protestors from the Carroll Park neighborhood suggested that a golf course be instead established in Druid Hill Park, where "the greater portion of the Negro population" lived. This solution was impossible, due to the topography, roads, and other features of the park. (Minutes BBRP, September 18, 1934; "Negro Golf Order Revised by Board," *Baltimore Sun*, September 19, 1934.)

[13] "Negro Golf Order Revised by Board."

[14] "Jim Crow Golf Irks Baltimore: Liberalized J.C. Displeases Golfers," *Baltimore Afro-American,* May 16, 1936.

[15] On March 11th of that year, Nicholas, acting on behalf of the Monumental Golf Club, had sent a letter to the

Prompted by Nicholas' actions, which Board members saw as potentially setting up a test case to bring a legal suit against the golf course segregation, the Board examined statistics of use from the 1935 season. They found that white use of the course had dropped significantly since the implementation of the staggered play schedule, leading Commissioner Flynn to suggest that they "might as well grant exclusive use to blacks." Again the Carroll Park course was reserved for blacks, with the members agreeing, "it would not be equality of treatment to continue the part time use of the Carroll course by Negroes while granting full time use to white players at other courses."[16]

For the remainder of the 1930s and into the 1940s, the Board of Recreation and Parks received a steady series of demands for improvements to the Carroll Park Golf Course. In May 1936, the Board reported hearing rumors that the black golfers were planning to demand the field house which had been promised five years earlier, when Carroll was reserved for whites.[17] Additional requests were met with the response that the facilities at Carroll Park were equal in proportion to the other courses based upon the number of golfers using them.[18] In 1938 and 1939, the Board agreed to the requests for improvements to the course in theory, but blamed a lack of funds for being unable to implement them.[19]

By 1942, the black golfers had had enough. The summer before, attorney Dallas F. Nicholas, representing the black Monumental Golf Club, advised the General Superintendent of Parks that, "unless an eighteen hole course, with grass greens, was made available for colored players they would assert their constitutional right to play upon the courses in Clifton, Mt. Pleasant and Hillsdale Parks."[20] At the May 6, 1942 meeting, a delegation of black golfers from

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Board maintaining that the current arrangement was unacceptable, and that Carroll Park's facilities were inherently unequal. He therefore requested permission for black golfers to play at all the municipal courses. The letter was never answered. (Minutes BBRP, April 30, 1936.)

16 Minutes BBRP, April 30, 1936.

17 Minutes BBRP, May 5, 1936.

18 Minutes BBRP, November 24, 1936.

19 The lack of funding and the possibility of applying to the WPA for labor was discussed during the Board of Recreation and Parks meetings of May 11, 1937; Nov 2, 1937; April 5, 1938; June 7, 1938; July 19, 1938; Sept 20, 1938; Jan 10, 1939; Feb 14, 1939.

In one of the meetings in which the lack of funding for improvements to Carroll Park was discussed, the minutes show that the Board decided to take a recess. The minutes state, "The recess was extended indefinitely, by reason of which 'de facto' adjournment resulted. The adjournment was followed by a trip in the President's speed boat on the Magothy, and by a bountiful shore dinner, with the President as host." (Minutes BBRP, July 19, 1938.)

20 Minutes BBRP, June 4, 1941.

the Monumental Golf Club and the Cosmopolitan Golf Club appeared before the Board to propose a compromise: if the Board would remove the ban on selling greens tickets to black golfers at the other links, the group would voluntarily restrict themselves to playing the Mount Pleasant course only on weekdays, would not use the locker facilities, and would refrain from publicity. Board President Frank H. Durkee said, "as he viewed the situation all citizens were taxpayers together and entitled to equal benefits flowing from the expenditure of tax funds." Accordingly, the Board instructed the General Superintendent to pass along word to the white golf courses "not to refuse colored golfers, who might apply for greens fee tickets, at any course."[21]

The white Clifton Park golfers association quickly noticed the change and rallied together with other white golfers to protest to the Board.[22] A large group again crowded into a Board meeting to protest the desegregation. Though President Durkee "thought the colored golf clubs had been most patient and considerate under the circumstances," other Commissioners on the Board thought the problem was being "over-magnified." The complaints by the group were so voluminous as to not be individually detailed in the official minutes, but:

> The sum of all the arguments against Negroes on the white courses was that white golfers would be driven off; professionals and caddies would not serve; physical clashes between whites and blacks was a possibility; neighborhood property values would be depreciated; eighteen holes and grass greens were not required to make the Carroll course substantially equivalent to the white courses within the meaning of Court decisions, and that while the colored golfers might resort to legal proceedings the protestants would be without redress if the Board decided against them.

Commissioner Armor also sided with the black golfers, stating the obvious fact in that he "did not see how a nine hole course with sand greens could be considered equal to an eighteen hole course with grass greens," to which Commissioner Baker suggested the black golfers simply play the course twice.[23]

The fervor against the "secret integration" was so great as to require a closed meeting of the Board on June 9.[24] There, the Board examined figures of ticket sales to black golfers at the Mount Pleasant golf course. On May 29, only 4 greens fee tickets had been sold to black players;

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21 Minutes BBRP, May 6, 1942.
22 Kessler 36.
23 Minutes BBRP, June 3, 1942.
24 Kessler 36.

the high was 13 tickets on June 9. In total, the Board estimated that no more than a dozen individual golfers had played on the course since the integration began. Ignoring the fact that black golfers may not have felt safe using the white courses, the Board used low attendance numbers as "substantial proof that a nine hole course was adequate for them." As quickly as it had come, the integration of the golf courses was over, and the black golfers of Baltimore were ordered to return to Carroll Park.[25]

In 1940, one of the most famous black men in the country came to visit his friends in Baltimore. Joe Louis, the world heavyweight boxing champion, was also an avid golfer. When he visited the city, Louis liked to play with one of the wealthiest black men in Baltimore, William L. "Little Willie" Adams. Outraged at the situation, Louis encouraged Adams and others to bring the case to court in 1942.[26] True to their word, the black Baltimore golf community responded by filing a suit against the city.[27] Judge Eugene O'Dunne heard the case in the Superior Court. At the trial, the members of the Board who were called upon to testify attempted to plead ignorance of the inequality of the course at Carroll Park. Under questioning by Dallas Nicholas about the physical components of the Carroll course, Commissioner J.V. Kelly stated, "I'm sorry I do not know what bunkers or hazards are as I do not play golf." President of the Board Durkee also claimed, "This business about 'bunkers' is all Greek to me." Commissioner Alfred E. Cross brazenly added, "If I went over there I wouldn't know the facilities if I saw them." The thirteen black golfers who took the stand, though, were clear on the inequality of the course. D. Arnett Murphy explained to the judge that Carroll "has sand greens, no facilities for washing balls, no hazards, no shelters or drinking fountains and the grass is filthy from the soot of passing trains."[28] Judge O'Dunne was not convinced by the Board members' arguments against the integration of golf courses, and on July 1, 1942 issued a writ of mandamus commanding the Department of Recreation and Parks and all its employees "sell greens fee tickets at every said golf course [Mount Pleasant, Hillsdale, Clifton, and Carroll] to all who might apply, irrespective of race, creed, or color."[29]

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25 Minutes BBRP, June 9, 1942.
26 William L. "Willie" Adams, Interview by Charles Wagandt, August 4, 1977, OH 8210, Theodore R. McKeldin— Lillie Mae Jackson Civil Rights Era Oral History Project, Maryland Historical Society.
27 *Durkee v. Murphy*, 181 Md. 259, 29 A.2d 253, 255 (1942).
28 "3 on Board Refuse to Compare Links," *Baltimore Sun*, June 27, 1942.
29 Minutes BBRP, July 8, 1942.

Yet again, the integration of municipal golf courses was short lived. In early 1943, the Maryland Court of Appeals found the writ of mandamus to be invalid by reason of "trial errors."[30] As with so many other spurned attempts to integrate public facilities in Maryland, the appellate court claimed that "segregation is a normal condition of public life in Maryland," and the Board was therefore within its rights to segregate golfers.[31] The court did agree, however, that the Carroll Park facilities were not currently equal, and demanded that renovation must be made to bring the black course up to par with the white courses.[32] In the meantime, the black golfers were allowed to use the other three links; they did so, without incident, until Carroll Park Golf Course's improvements were complete in 1945.[33]

Dallas F. Nicholas again appeared before the Board, this time to plead that the current integration be allowed to continue. "Inasmuch as the use of all the park golf courses by colored golfers during the reconstruction of the course in Carroll Park had not resulted in any disorder or untoward incidents," he argued, "there was no sound reason for again confining colored golfers to the use of the new 9-hole course in Carroll Park." The Board was not convinced, stating they "had complied to the letter with the requirement that the Carroll Park course be extended from 2,300 yards to 3,200 yards; that grass greens be substituted for sand greens, and that traps and bunkers be added," and became upset at the thought that the $50,000 spent to update Carroll Park would be wasted, as the "sole purpose" had been to allow the segregation of golfers.[34]

Again, the black golfers brought suit.[35] Four black Baltimoreans were especially vital to the lawsuit: William L. "Willie" Adams, William B. Dixon, Dr. Arnett Murphy, and Charles

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30 Minutes BBRP, March 17, 1943.

31 "Negro Golfing Case Up Anew," *Baltimore Sun*, January 12, 1943.

32 In the May 14, 1943 Board meeting, Commissioner Cross asked if the ruling meant that Carroll Park would have to be extended into an 18-hole course. President Durkee explained "that the law seemed to require only that grass greens and tees be equal in kind and not in number." At the next meeting, Commissioner Cross declared that his question of the previous month "was not germane to the subject and should be omitted," and the minutes were approved only with that "correction." (Minutes BBRP, May 14, 1943; Minutes BBRP, June 9, 1943.)

33 "Negro Golf Dispute Ends," *Baltimore Sun*, April 22, 1943.

34 Minutes BBRP, June 5, 1945.

35 *Law v. Mayor and City Council of Baltimore et al.*, Civil Action No. 3837 (1948).

Before filing the lawsuit, the golfers first approached the Board. Attorney Charles E. Houston appeared at a hearing before the Board, during which he "stated that there can be no equality as to golfing facilities unless all courses are open to all golfers without regard to race, creed, color or national origin. He further maintained that Carroll Golf Course is not adequate nor equal. He told the Board that past use by Negroes of the courses without incident would guarantee future use without incident. He requested of the Board that it open all Municipal Golf Courses to all golfers." Dr. Harris called for a vote on the matter after several weeks of delay by

Law. The group first approached the Baltimore NAACP to ask the organization to take the case. President of the Baltimore branch Lillie Mae Carroll-Jackson refused, telling them, "if you fellows are wealthy enough to play golf...you're wealthy enough to pay your lawyers yourself."[36] In effect, that is what they did, each man putting down $500 to retain lawyer Charles H. Houston, with others in the black community of Baltimore contributing the rest.[37]

The defendants named in the suit included the Mayor, the City Council, and the Board of Recreation and Parks. In responding to the complaint, the Board stated that Carroll Park was adequate enough for the black golfers, with Commissioner Boone proclaiming that the city was "not obligated to provide 'championship golf courses.'" Further, the Board emphasized that they were simply abiding by the agreement made with the Monumental Golf Club prior to the repairs at Carroll Park.[38] Judge W. Calvin Chesnut disagreed. He pointed to the facts of the Carroll Park course only having 9 holes, in contrast to the 18-hole courses provided for whites, as well as the location of Carroll Park in an industrial area as compared to the suburban settings of the other courses.[39] The newspapers reported Chesnut's view as "accurate putting and the noise of railroad Patenaude 12 switch engines do not mix."[40]

Chesnut thus found that the golf facilities for black golfers were not substantially equal to those provided for whites. He explained, "the superiority of the white golf courses over that at Carroll Park is roughly comparable, in the field of railroad transportation, to that of the Pullman

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the Board. In the motion to open all the municipal golf courses to all players, Dr. Harris and Commissioner Ford voted in favor; Commissioners Hammerman, Scrimger, and Boone voted against; and Commissioners Garrett and Marsheck did not vote. (Minutes BBRP, October 1, 1947; Minutes BBRP, October 31. 1947.)

36 A few years later, journalist H.L. Mencken also bemoaned the fact that golf, played by people with significant monetary means, was at all supplemented by taxpayers. His suggestion was to close all of the municipal golf courses, and everybody could then create their own golf clubs and buy their own links. "It would be hard to imagine anything more ridiculous," he thought, than a rich man who, upon being supplemented by the city government to play golf, was then allowed to exclude others. (H.L. Mencken, "Equal Rights in Parks," *Baltimore Sun*, November 9, 1948.)

37 Adams interview.

38 Minutes BBRP, February 3, 1948.

39 Though location may seem less important than number of holes, it was an important aspect of Chesnut's opinion. He stated:

> Separately considered, Carroll Park is now a reasonably good 9-hole course but it is situated in an unattractive part of the City for a golf course, being bordered by an active industrial branch of the B. and O. Railroad and surrounded by commerce and industry rather than in a suburban or country district. It has little attraction form the landscape point of view. The land, while not completely level, has a comparatively uniform terrain and does not present the attractive varied conditions of ground or landscaping which exist to a much greater extent in the other municipal courses.

(Chesnut opinion, *Law v. Mayor*, 1948.)

40 "Judge Chesnut on Negro Golfing Rights," *Baltimore Sun*, June 20, 1948.

car with the day coach." Chesnut was not arguing the validity of *Plessy v. Ferguson*, explaining that it was fully within the rights of the Board to segregated golfers, "but so long as the City furnishes golfing facilities the quality must be substantially equivalent for the two races."[41] The black golfers would have to be allowed to play on other municipal courses.

The *Baltimore Sun* predicted that "with Negro golfers so few in number, the effect of Judge Chesnut's ruling is likely to pass about without notice, unless the Park Department allows itself to become embroiled in an unnecessary controversy over what hours the Negroes may use the formerly all-white courses."[42] That is exactly what the Board went on to do. President Garrett opposed integrating all of the golf courses, believing there would be two effects of integration: the black golfers would completely abandon Carroll Park, and that white golfers would abandon the other golf courses. He failed to admit to the irony inherent in the statement; he believed Carroll Park to be so undesirable that, given other options, no one would play there, but he and the rest of the Board had been arguing the course was equal to the others.[43]

With Chesnut's decree, Director Maxwell felt action needed to be taken immediately. There had not been enough Board members available for a quorum, so after consulting with the City Solicitor, Maxwell "determined to permit Negro golfers to use all of the public courses without restrictions as to days or hours, pending final action by the Board at its next regular meeting." Ignoring the facts that there had been no incidents of violence or problems during any of the many brief periods of integration, members were adamantly against allowing the integration to continue. At the Board meeting of July 20, 1948, the Board instead moved to a complicated schedule of segregated days to include all four courses. On Tuesdays, Mount Pleasant was reserved for blacks; the same on Wednesdays at Clifton and Thursdays at Hillsdale. During those days that these courses were reserved for black players, Carroll Park was reserved for whites.[44]

The new play schedule was immediately ridiculed in the press. "Instead of simply opening the four courses to Negroes and whites alike," the *Baltimore Sun* reported, "the board inaugurated a complicated system of exclusively white and exclusively colored days, with rather

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41 Chesnut opinion, *Law v. Mayor*, 1948.
42 "Judge Chesnut on Negro Golfing Rights."
43 Minutes BBRP, June 29, 1948.
44 Minutes BBRP, July 20, 1948.

absurd results."[45] Another article reported that "the new policy is extravagant, then, in two ways. It cuts down the income on which the Park Board depends for the maintenance of the course. And it severely restricts the use of these expensive recreational facilities."[46]

The main point of contention was in regards to the lack of black players to fill the links on "black" days. According to the *Sun*, "On every 'colored' day on what had been a white course, and on every 'white' day on what had been a colored course the city collected only an infinitesimal portion of the normal greens fees."[47] The press mocked the Board, with headlines like "Baltimore's Golf Courses are Ultra Exclusive" and "A Public Golf Course Reserved for 2.4 Players."[48] On the first black day at Clifton Park after the new schedule went into effect, 14 golfers used the course, compared to 195 white golfers the previous Wednesday.[49] "By operating Baltimore's four public golf courses on a segregated basis of 'white' and 'colored' days, the Board of Recreation and Parks has undoubtedly won for the city the distinction of having the most exclusive golf courses in the country. Where else could one find an excellent eighteen-hole course maintained for the use of only three players a day?"[50]

Others pointed out that the schedule was discriminatory to whites as well as blacks, and was leading to white players being turned away from the links when they came on the "wrong" day.[51] In a roundabout way, then, the black golfers came out ahead. At that time, Joe Louis was stationed at Fort Meade and continued to come to Baltimore and play golf, but instead of being relegated to the Carroll Park golf course, he was now able to use all of them on the designated days. Willie Adams remembered, "Joe was a good golfer and liked to play the best courses...we would go out there and have the whole golf course to ourselves." The white golfers were understandably annoyed by the situation, and began to make comments like, "My God, if there is any sport that blacks and whites could play together it would be on the golf course."[52] It took until the white golfers were the ones inconvenienced for them to begin to advocate for integration. Even so, the Board's policy of scheduled play remained in effect.

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45 "Baltimore's Golf Courses are Ultra Exclusive," *Baltimore Sun*, November 16, 1948.
46 "How the New Golf Policy is Working Out," *Baltimore Sun*, July 30, 1948.
47 "Baltimore's Golf Courses are Ultra Exclusive."
48 "A Public Golf Course Reserved for 2.4 Players," *Baltimore Sun*, April 27, 1950.
49 "How the New Golf Policy is Working Out."
50 "Baltimore's Golf Courses are Ultra Exclusive."
51 "Separate Golf Costly to City," *Baltimore Afro-American*, September 24, 1949.
52 Adams interview.

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On December 17, 1947, a youth basketball game played out at School No. 42, Garrison Junior High, with the Fulton PCA Juniors playing against the Cahill Center team.[53] Most of the details from that game have been lost to public memory—no one knows who won, the final score, or the name of the point guard. In most respects, it was an uneventful game. Uneventful, that is, until the next day when the game's referee called upon Harold S. Callowhill, the Superintendent of Recreation. He was calling to inquire whether the Bureau of Recreation allowed white and black players to play on the same team.[54]

Thus the news came out that the Fulton PCA Juniors had two black players on the team, and had allowed them to play on December 17. Callowhill immediately suspended all the future games by the Fulton team and brought the matter to the attention of the Board of Recreation and Parks. The Board decided to support Callowhill's decision, and sent a letter to Philip Boyer, the manager and coach of the Fulton Juniors, requesting a meeting before the Board.[55] Boyer later stated this was the first he'd heard of any problem with the players on his team.[56] At the meeting, the representatives from the Board made an ultimatum: drop the two black players from the Fulton team, or withdraw from the Amateur League.[57]

Boyer refused to do either. In an interview with *The Baltimore Sun* the next day, Boyer stated that the demand to drop the players was "contrary to our basic democratic principle on which our Government is founded, and because it is contrary to the most elementary rules of fair play. Furthermore, such a directive has no basis in law, nor in the rules and regulations of the [Recreation] department." The Bureau of Recreation and Parks admitted that it had no written rule against black and white youth playing on teams together. Callowhill, however, pointed to the position of Supervisor of Negro Amateur Sports as proof that the amateur sports in the city were meant to be segregated.[58] With Boyer's refusal, the Board decided to continue the postponement of all the future games for the team until a hearing of the full Board of Recreation and Parks could come to a decision on how to handle the case.[59]

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53 Full name- the Fulton Progressive Citizens of America Juniors.
54 "Racial Question Halts Athletics," *Baltimore Sun*, January 7, 1948.
55 Minutes BBRP, January 6, 1948.
56 Boyer testimony at board meeting, Minutes BBRP, January 14, 1948.
57 Minutes BBRP, January 6, 1948.
58 "Racial Question Halts Athletics," *Baltimore Sun*, January 7, 1948.
59 Minutes BBRP, January 6, 1948.

The first hearing occurred on January 14, 1948. Though the Board had said they would hold a vote to decide how to proceed with the situation, no quorum of members was present for the January 14 meeting, upsetting many of those who had come to testify before the board. Testifying on behalf of the Fulton team were representatives from the Fulton PCA, the Baltimore Industrial Union Council, the Urban League, the Baltimore Interracial Fellowship, the National Lawyer's Guild, and the local chapter of the NAACP (National Association for the Advancement of Colored People.) Boyer and John E.T. Camper, president of the sponsoring PCA Club, spoke to legitimacy of the team. Boyer emphasized that the players had been registered with the Bureau of Recreation, paid the required fees, and played according to the rules. He also noted that "there was nothing in the rules saying that a Chinese, Negro or person of any other race could not be registered for play on a team."[60] Camper stated that the Fulton team had met all the requirements, rules, and regulations of the Bureau of Recreation. He also called the postponement of the games an injustice, pointing to two occurrences of interracial teams from other cities being hosted in games at the Baltimore Memorial Stadium as apparent hypocrisy in the Board's stance.[61]

Others attending the meeting used the opportunity to provide testimony against the general policy of segregation by the Board. Samuel Schmerler, the secretary of the Baltimore Industrial Union Council read a prepared statement from the organization which stated in part "The Baltimore CIO and its affiliated local unions have in the past challenged the Baltimore Department of Recreation's segregation policy. We say today 'Jim Crow must go!'"[62] Joseph Allen of the Urban League encouraged the Board to reverse the segregation policy for the greater good of race relations, since "relationships are improved by multiplying contacts, wherein persons get to know each other as persons and not as [racially othered] groups."[63] Lillie Mae Carroll Jackson, President of the Baltimore NAACP, expressed shock and dismay at Callowhill's actions, saying that blacks in Baltimore had thought he was on their side. She stated that she hoped his action was a "mistake." She also asked the board "not to turn wheels of progress backward in view of the fact that no segregation exists in Maryland Law School, [Johns]

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60 Boyer testimony before Board, Minutes BBRP, January 14, 1948.
61 Camper testimony before Board, Minutes BBRP, January 14, 1948.
62 Schmerler testimony, Minutes BBRP, January 14, 1948.
63 Joseph Allen testimony, Minutes BBRP, January 14, 1948.

Hopkins University and Loyola College" and that they instead "encourage the democratic spirit of the young people."[64]

Two of the white players from the Fulton Juniors team also testified at the meeting. James Barrett told the Board that the team was happy with the racial makeup of the team, while Donald Fiol stated that if he was the manager of the team he "would not judge a player by his race, color, or religion but by his ability to play," and that the two black players on the team "are clean sports and act fairly, and should be allowed to remain and compete in athletics."[65] Finally, a local resident Henry Beitscher ended the testimony of the Fulton Juniors supporters by plainly stating that "the loss in this case in all on the side of the boys on the team."[66]

A second hearing was held before the full Board on January 20, 1948. According to newspaper reports at the time, more than 100 people attended the meeting, crowding the room and spilling into the corridor.[67] At least 75 of those people were there on behalf of the Fulton team.[68] Much like the January 14 meeting, the focus was not so much on the incident of the Fulton Junior's basketball game, but the overall policy of segregation by the Board of Recreation and Parks and of segregation and Jim Crow as a whole. One refrain in particular stood out from among the testimony given by Fulton supporters – that of the "Double V Victory." Dr. Camper of the PCA recalled, "we fought two wars for democracy and racial discrimination still exists." Hy Gordon, the membership director of the Fulton PCA proclaimed that "bullets on the war fronts did not discriminate." Finally, Nixon Camper, son of Dr. Camper, stated that he was a member of a black basketball team while serving in the Armed Forces. His team played against a white team from Duke University, with no negative repercussions. He then proceeded to call having a meeting to bar interracial athletics "quite stupid."[69] No one at the meeting spoke in favor of segregation.[70]

After hearing from the residents, the Board went into an executive session, thereby closing off the proceedings from the public. The minutes from that meeting are available, however, and show what went on behind the closed doors. Robert Garrett, President of the

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64 Lillie Mae Jackson testimony, Minutes BBRP, January 14, 1948.
65 Testimony by James Barrett and Donald Fiol, Minutes BBRP, January 14, 1948.
66 Testimony by Henry Beitscher, Minutes BBRP, January 14, 1948.
67 "Interracial Game Ban to Continue," *Baltimore Sun*, Jan 21, 1948.
68 Minutes BBRP, January 20, 1948.
69 Testimony by Dr. J.E.T. Camper, Hy Gordon, and Nixon Camper, Minutes BBRP, January 20, 1948.
70 "Interracial Game Ban to Continue," *Baltimore Sun,*, January 21, 1948.

Board, complained that those protesting the segregation policy did not understand the true meaning of democracy, and suggested that a ruling to end segregation in the parks "would involve an element of dictatorship." He did not mind the inherent contradiction when he went on to quote from the Maryland Court of Appeals case of *Murphy v. Durkee* from 1942, which ruled that "separation of the races is normal treatment in Maryland." According to this case, he said, segregation was within the power of the Board to determine. He then went on to state that the protestors were merely puppets for the Communist Party.

Dr. Bernard Harris, the only black member of the Board, took umbrage at Garrett's comments. The people at the hearing were not Communists, he said, but "good Americans" following the form of government allowable by the Constitution. He also explained that the case was more important than Garrett was giving it credit for being, since the implications of the case would extend to other interracial relationships beyond youth athletics. "Whites and Negroes should mix," he said, "and there is nothing wrong with that because Whites have Negro cooks, maids, and others in whom they place great trust." He warned Garrett and the rest of the members of the Board that even if they suspended the rest of the Fulton team's games, the black and white boys on the team would continue to play together. "It is easy," he said, "for Whites to be satisfied with present policies regarding segregation because they can go where they please and do what they want socially, but the things Negroes cannot do are legion. The health of my people reflects itself on the health of the White race."

Before putting the matter to a vote, one last member of the board spoke up. Mrs. Howard W. Ford asserted, "if we are truly Americans we would be inclined favorably," and stated that she supported allowing the team to continue playing with both black and white members. J. Marshall Boone raised the motion, "That the policy of the Department of Recreation and Parks of not allowing interracial athletics be continued until further study by this board." Though she had supported the Fulton team minutes before, Mrs. Ford abstained from voting, leaving Dr. Harris alone against the motion. The Board kept its policy banning interracial athletics.[71]

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[71] The motion made by Boone was seconded by S. Lawrence Hammerman. In favor stood Garrett, Boone, Hammerman, and R. Wilbert Marsheck. Dr. Harris voted against. Mrs. Ford abstained. Minutes BBRP, Executive session, January 20 1948.

Not all white citizens of Baltimore agreed with the Board's decision. Angela Boyer, possibly the daughter of team manager Philip Boyer, wrote to the *Afro-American* shortly after the board meeting, in February 1948. In her letter, she stated:

> I am a white girl attending the seventh grade of School No. 49, and have spoken to many of my classmates about the decision of our Board of Recreation and Parks concerning the Fulton PCA Juniors.
>
> They are very indignant about it and think that color should not interfere with the playing of basketball. In our history class, we have been studying the Constitution. It says one thing and the Board of Recreation says another.[72]

Regardless, the Fulton team remained banned from league play.

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On July 17, 1943, the Baltimore Board of Recreation and Parks received a letter from Dallas F. Nicholas on behalf of the all-black Baltimore Tennis Club. In no uncertain terms, Nicholas requested an end to the segregation of tennis courts at Druid Hill Park. In a fit of either willful misrepresentation or complete ignorance, the General Superintendent stated that it was "a misstatement to say that the tennis courts assigned to negro players were inferior to those assigned to the whites, and that if anything the colored courts were being better cared for." As with most other implementations of "separate yet equal," all present knew the General Superintendent's assertion to be patently false but went along with the charade.[73]

Druid Hill Park was a source of constant agitation for the Board in regards to its segregation policy. When Mayor Thomas J. Swann dedicated Druid Hill Park in 1860, he did so to "the whole people."[74] Originally the estate of the Buchanan and Rogers families, the Druid Hill Estate was sold to the city of Baltimore amid controversy- Mayor Thomas J. Swann used funds garnered from a tax on the streetcar lines to purchase the land, which was outside the boundaries of the city at the time.[75] The third oldest of the large public parks in the United States, after Central Park in New York and Fairmount Park in Philadelphia, Druid Hill Park was originally considered a "destination." As the Jewish and later African-American communities

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72 "Afro Readers Say," *Baltimore Afro-American*, February 7, 1948.

73 Minutes BBRP, August 11, 1943.

74 Mayor Thomas J. Swann, Dedication of Druid Hill Park, October 19, 1860.

75 Reportedly, Mayor Swann declared that the streetcar tickets should cost 5 cents so that workers could afford to use them. Of the 5 cents, one penny from each fare went directly to the fund used to purchase the Druid Hill estate. (Lecture by Anne Draddy, Druid Hill Park 150th Anniversary Celebration, Friends of Druid Hill Park and the Maryland Historical Society, October 14, 2010.)

grew up around the park, it functioned increasingly as a neighborhood park. Two of the biggest synagogues in Baltimore, Chizuk Amuno and Shaarei Tfiloh, were located along the edge of the park. Jewish youth would often play on the playgrounds, tennis courts, and open spaces of Druid Hill, allowing them to see first-hand the lesser quality of the areas reserved for blacks.[76]

One of Druid Hill Park's most popular attractions was the tennis courts. Separate courts were available for black and white tennis players in different areas of the park, with the black courts nearby to the black "No. 2" pool. As with the golf courses, the separate facilities were unequal; the courts given to black players were concrete instead of clay, and in an almost constant state of disrepair. Additionally, by 1946, the Board was receiving complaints that the black community in the neighborhoods around Druid Hill Park had expanded so greatly that the present facilities were no longer adequately meeting their needs.[77]

During the summer of 1947, the Baltimore Tennis Club sent their request to the Board. They wished to hold a Baltimore Open Tennis Tournament in September of that year, and so requested permission to use the more preferable clay courts reserved for whites at Druid Hill Park, rather than the black courts at the park which had fallen into disrepair. Board President Robert Garrett immediately objected to allowing them use of the white courts, saying that it might have "unfortunate repercussions" from the white residents, both those in the immediate area and others in the city who would not be pleased by allowing blacks to use facilities reserved Patenaude 22 for whites.[78] The Superintendent of Parks, Maxwell, informed the Board that though there were plans to build three new courts for blacks at Druid Hill Park, it would be impossible to complete construction in time for the tournament. He suggested that the Board offer the Baltimore Tennis Club use of four clay courts at Carroll Park, noting that the courts were isolated from white players, and had no shower or toilet facilities. Commissioner Ford insisted that, were the Board to choose to offer the Carroll Park courts, it be made clear that they were "not setting a precedent."[79] In the end no action was taken, prompting a complaint from the

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[76] Lecture by Dr. David Terry, Druid Hill Park 150th Anniversary Celebration, Friends of Druid Hill Park and the Maryland Historical Society, October 12, 2010; Lecture by Barry Kessler, Druid Hill Park 150th Anniversary Celebration, Friends of Druid Hill Park and the Maryland Historical Society, October 14, 2010.

[77] Minutes BBRP, August 14, 1946.

[78] Minutes BBRP, July 28, 1947.

[79] Minutes BBRP, August 18, 1947.

Baltimore Tennis Club. Upon receiving the complaint, the Board decided "since the Tournament was already held no further action was required."[80]

Druid Hill Park's tennis courts again came to the attention of the Board the following summer, in 1948. On July 11, a group of young people from the Progressive Citizens of America (PCA) and the Baltimore Tennis Club held an interracial tennis match to protest the policy of segregation in the parks. Many of the white members of the PCA were also Jewish, perhaps influenced by their first-hand knowledge of segregation at Druid Hill Park. In the days before the game, the groups put up posters advertising the protest and drumming up support of their cause. The fliers instructed readers to, "Kill Jim Crow! Demand your rights! Organize to smash discrimination in recreational facilities."[81] The fliers also pointed out that there was no actual law in place to segregate the parks. A delegation from the group appeared before Superintendent Maxwell to ask if they would be permitted to hold the game. They emphasized that they were not asking permission of the Board, stating that the Board had no actual authority to enforce the discriminatory policy. Superintendent Charles A. Hook told the group that their application for court permits would be denied, and thought the matter was taken care of.[82]

Instead, several white PCA members applied for court permits, failing to indicate that they were for an interracial game. As the time approached, a crowd began to gather on the hill next to the tennis courts. Blankets were laid out on the grass, and picnic baskets opened. The scene was described as being "very, very upbeat."[83] At two o'clock, the two foursomes of black and white players, one group of men and one of women, stepped onto the courts in front of 500

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80 Minutes BBRP, September 10, 1947.

81 The full text of the fliers as read by protester Mitzi Swan in a 2004 interview was as follows:

> Kill Jim Crow! Demand your rights! Organize to smash discrimination in recreational facilities. No law has ever been passed by the City Council stating that Negro and white citizens must use separate park facilities. On Sunday, July 11th at the Druid Hill clay tennis courts near Auchentoroly Terrace and Bryant Avenue (near the hot house) promptly at 2 P.M. Negro and white citizens are going to insist on their lawful rights to use these courts! Be present to lend your support! Sponsored by the Young Progressives of Maryland, 328 North Charles Street. [phone number]. Jim Crow in America has got to go."

Mitzi Swan, Interview by Anita Kassof and Barry Kessler, October 24, 2004, OH 658, Oral History Collection, Jewish Museum of Maryland.

82 Minutes BBRP, July 20, 1948.

The PCA did not have good standing with the Board of Recreation and Parks in other matters, either. In August 1947 the State Director sent a letter to the Board requesting permission to hold a meeting in Johnson Square. The request was denied on account of the "apparent nature and purposes of this organization," with Maxwell adding that the organization was "a mixed group of colored and white with communistic tendencies." (Minutes BBRP, August 14, 1947.)

83 Swan interview.

spectators. The players were met by Superintendent Hook and the captain of park police; as the players refused to leave the courts, the police began to make arrests. The male foursome sat and lay down on the ground refusing to move, causing the police to physically carry them from the courts. Spectators began jeering the police, yelling out, "This is a free country!" and, "Read the Declaration of Independence!"[84]

In a matter of minutes, 20 people were arrested, including all the players and several spectators. Four additional men were arrested later that day, as they protested in front of the police station where the others were taken. Seven of those arrested were women, two of whom were under 16 years old. Thirteen of the 24 were black. Most of the charges were for failure to obey a park policeman, though seven protestors received disorderly conduct charges and one, Charles M. Swan, was charged with resisting arrest.[85] They were taken to the Northern Police Station, where a total of $800 bail was posted by the PCA and other private citizens.[86] The next morning a hearing was held before Judge Caplan, during which all those arrested asked for a jury trial.[87] Immediately, several groups issued statements condemning the actions of the Board and the Park Police.[88]

Coverage of the resulting trial remained in the news that fall and into the following year. The demonstrators were accused of unlawful assembly, conspiracy to riot, obstruction of free passage, interference with the police, and a host of other charges.[89] In late October, the court under Judge Moser began hearing testimony from the policemen involved in making arrests.[90] By all reliable accounts, spectators to the tennis protest had commenced jeering and taunting as

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84 "Police Stop Interracial Tennis and Arrest 24," *Baltimore Sun*, July 12, 1948.
These were just a few of the exclamations. Others were reported to include: "Is this America or Nazi Germany?" "Hitler tactics;" "We all pay taxes;" and "We fought a war for democracy."

85 One of the Young Progressives, Mitzi Freishtat, helped organize the protest and was one those who applied for the tennis court permits. She was arrested, and it was during the arraignment hearing that Mitzi first met Charles M. Swan, who had come to watch the events with a group of fellow seamen. After the protestors were released from jail, the group held a big party, where Mitzi and Charles spoke. Though she said she did not particularly like him the first time they met, Mitzi and Charles continued to keep in touch as she went to college. Mitzi graduated college in 1951; she and Charles were married in 1952. (Swan interview)

86 24 Defy Jim Crow Law, Arrested," *Baltimore Afro-American*, July 17, 1948.

87 Minutes BBRP, July 20, 1948.

88 Of course, others were on the side of the police. In the official recounting of the incident in the Board minutes, it was resolved "that Messrs. Maxwell and Hook used excellent judgment in the handling of this very difficult interracial tennis problem." All the commissioners except Dr. Harris agreed. (Minutes BBRP, July 20, 1948.)

89 "Riot Charged in Tennis Case," *Baltimore Sun*, September 4, 1948; Swan interview.

90 Criminal Court of Baltimore under Judge J. Moser, 1948. Moser's opinion was upheld in *Winkler et al. v. State*, 194 Md. 1; 69 A.2d 674 (1949).

the police made arrests; the police testimony presented an alternate version of reality, in which the protestors' singing of "My Country 'Tis of Thee" became the socialist anthem "Internationale."[91]

Because they sat down on the courts rather than leaving when the police demanded they do so, the demonstrators faced accusations of resisting arrest and failure to obey a policeman. The conspiracy to riot charges stemmed from the fliers distributed before the protest because the fliers referred to staging a demonstration and made it clear police would be involved.[92] Attorneys for the defendants insisted that the case was not about the details of the one protest at Druid Hill Park, but the larger history and continuing issue of segregation. Attorney I. Duke Avnet argued, "No matter how much the state tries to hide it, the real issue is what are the rights of our people, and whether discrimination such as this is legal under the constitution of the Federal government and the State of Maryland. What is on trial here is persecution. What is involved are the rights of colored people."[93]

Judge Moser agreed in part with the defendants. As the prohibition against interracial athletics was only a policy, not a rule, Moser dropped the charges against 17 of the demonstrators of violating a park rule.[94] Seven of those involved, all of whom were white, were convicted of unlawful assemblage and conspiracy to riot.[95] The seven were fined, given suspended jail terms, and placed on probation for two years.[96] Moser's official statement on the case showed he felt the protestors had acted distastefully and fundamentally disagreed with their actions:

> The evidence was quite clear. This was a carefully planned, competently executed conspiracy to violently disturb the peace. That it did not culminate in all the fury contemplated was not the fault of the conspirators, but due entirely to the good common sense of the police in handling the arrests.
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> As to the plea that the participants were only motivated by a desire to redress a wrong and establish equality of treatment under the Constitution, it is interesting to note that no attempt has been made to mandamus the Park Board, nor in any other way to test the situation, although sufficient time had elapsed for

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91 Swan interview.
92 "Verdict in Tennis Case is Upheld," *Baltimore Sun,* March 4, 1949.
93 Swan interview.
94 Swan interview.
95 Those convicted included attorney Harold Buchman; Director of the Young Progressives of Maryland, Stanley Askin; and Charles M. Swan. (Retrial Sought by Players in Mixed Tennis Matches, *Baltimore Afro-American,* November 13, 1948.)
96 Askin and Buchman were both fined $50 each; the others were fined $10 each.

> this matter to have been finally adjudicated by our Court of Appeals; and nothing that happens in this case could possibly change the Park Board ruling.
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> It is clear to the Court these defendants were endeavoring to make political suckers out of a large group of our population. May this court remind those who were sought to be stirred up that there are movements in this world which offer equality, but offer it in exchange for freedom, offer the kind of equality that exists in a penitentiary or concentration camp.[97]

Moser suspended the prison terms of those convicted to avoid any "marytr-like exhibition of alleged wounds."[98] The consequences of the protest for those who were not convicted were divided sharply upon racial lines. Most of the black participants, several of whom worked at the post office, lost their jobs for their involvement. The white participants did not.[99]

Appeals were denied by the Maryland Court of Appeals. "Whether or not [the defendants'] convictions were justified," the Court ruled, "Judge Moser and other judges of the Baltimore Supreme Bench who reviewed the evidence 'acted in good faith and in the exercise of an honest judgment, even if we were disposed to disagree with their conclusion.'"[100] The Supreme Bench of Baltimore further upheld the conviction of conspiracy to riot, stating, "With the unmistakable facts before him, Judge Moser was fully justified in finding that these defendants joined with the others in a common design to accomplish an unlawful purpose, or a lawful purpose by unlawful means, and that all of them were guilty of the charge of conspiracy." Even so, two on the bench voted to overturn the convictions, stating, "the basic fact is that there was no law, rule or regulation of the Park Board prohibiting interracial events; there was only a minute in its records adopting a 'policy' of segregation."[101] For these two justices, the goals of the demonstration, protesting an unfair policy, were more important than the means by which it was attempted.

Even after the trial made clear that the segregation of Baltimore's public tennis courts was not a rule, nor based in law, the tennis courts remained segregated. In 1950 and 1951, the Baltimore Tennis Club requested permission from the Board of Recreation and Parks to hold a

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97 As quoted in "7 Tennis Match Defendants Fined," *Baltimore Sun*, March 23, 1949.

98 "7 Tennis Match Defendants Fined."

99 Part of the reason for fewer consequences for white participants was the inclusion of many college students, but it would not be accurate to say this was the only reason. The whites who worked at the same post office kept their jobs, while the blacks lost theirs. Swan interview.

100 *Winkler et al. v. State*, 194 Md. 1; 69 A.2d 674 (1949) "Interracial Case Appeals Denied," *Baltimore Sun*, November 18, 1949.

101 "Verdict in Tennis Case is Upheld," *Baltimore Sun*, March 4, 1949.

Baltimore Open Tennis Tournament in Druid Hill Park. The tournament was granted use of the white tennis courts, the very same ones the Young Progressives attempted to integrate, only upon guarantee that there would be no interracial play during the tournament. Dr. Robinson, one of the park commissioners, stated that though he was in favor of reviewing the segregation policy of the Board, he was "against permitting this tournament to be used as a testing ground of public feelings as to mixed use."[102]

A compromise in regards to the tennis courts at Druid Hill Park was finally reached on June 23, 1951. At that meeting of the Board, President Anderson proposed, "Separate tennis courts will be maintained for white and Negro patrons, as in the past, but in addition certain other courts will be designated on which interracial play will be permitted."[103] While an imperfect solution, Anderson's proposal had the support of Dr. Harris on the Board and the Baltimore Tennis Club. In an appropriate twist of fate, it was the younger brother of one of the original protestors who played in the first official integrated match at Druid Hill Park.[104]

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The fight against the segregation of golf, basketball, and tennis, came together in the 1949 court case of *Boyer v. Garrett*.[105] The suit against the Director, Superintendent, and members of the Board of Recreation and Parks, municipal police of Baltimore, the Mayor, and the City Council alleged violation of constitutional rights in the segregation policy for athletic facilities. Twenty-one plaintiffs were involved in the case, including the interracial Fulton PCA Juniors basketball team, the Druid Hill Park tennis court protestors, and two Clifton Park Golf Course golf players. Together, the plaintiffs were asking for $500,000 in damages and an injunction to end the Board's policy of segregation in parks and other athletic facilities.[106]

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[102] Minutes BBRP, July 1, 1950 and Minutes BBRP, May 12, 1951.

[103] An opinion columnist with the *Afro-American* had this to say on the Board's decision:

> "The Baltimore (Md.) Park Board, which supervises city-operated recreational plants, for many years countenanced interracial basketball and football and track, but frowned on mixed tennis and golf and swimming...last week, the Board, to save face on the national scene, approved integrated golf and tennis, but promptly decided it could do without its face if it meant doing away with its jim-crow [*sic*] policy with regard to swimming."

("From A to Z with Sam Lacy," *Baltimore Afro-American*, July 7, 1951.)

[104] David Freishtat, younger brother of Mitzi Swan, had attended the original protest. As Mitzi was arrested, David was chasing behind the police car and crying. Swan interview.

[105] *Boyer et al. v. Garrett et al.*, 88 F. Supp. 353 (1949).

[106] Chesnut opinion, *Boyer v. Garrett* (1949); "Half Million Dollar Suit Demands End of Jim Crow," *Baltimore Afro-American*, September 18, 1948.

The first count of the case was brought forth by Philip Boyer and James Crockett, managers of the Fulton PCA Juniors basketball team (by that time known as the Easterwood Progressive Party basketball team.)[107] The second revolved around the Druid Hill Park tennis protest organized by members of the Young Progressives and the Baltimore Tennis Club. The third was based on two occurrences at the Clifton Park Golf Course. The first occurred when a white man, Martin L. Dean, was refused admittance to the course because it was a day reserved for black players; the second occurred when a black golfer was refused admittance on a day reserved for whites.[108] The fourth and fifth counts alleged violations of the plaintiffs' constitutional rights and deprivation of equal protection under the law.[109]

The case was heard by Judge William Calvin Chesnut. The City and Board moved to dismiss the suit, stating, "it is settled law that a State or a municipal branch of the State may lawfully adopt and enforce a policy or rule of segregating white person and Negroes...." Attorneys for the plaintiffs, though, viewed the suit as a test case, arguing that segregation as constituted by *Plessy v. Ferguson* had become "outmoded" in the intervening years. Judge Chesnut stated that the suit differed from an ordinary test case, "in that the latter is generally brought to establish some new point of law, while the present case seeks to disestablish presently existing law."[110] He stated further that Maryland had an established legal history of racial segregation, including the cases of *Williams v. Zimmerman*, where the Maryland Court of Appeals ruled that "separation of the races is normal treatment in this state," and the case of *University of Maryland v. Murray* which, though it ultimately desegregated the University of Maryland's law school, ruled that "equality of treatment does not require that privileges be provided members of the two races in the same place. The state may choose the method by which equality is maintained."[111]

In his opinion, Judge Chesnut found most important that "The principal argument submitted by counsel...[is] against the legal doctrine that segregation is within the police power of the separate States....This argument seems to me to be addressed to the wisdom of State policy

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107 "Interracial Rule Sought," *Baltimore Sun*, July 27, 1948.
108 "Half Million Dollar Suit."
109 Chesnut opinion, *Boyer v. Garrett* (1949).
110 Chesnut opinion, *Boyer v. Garrett* (1949).
111 *Williams v. Zimmerman*, 1937, 172 Md. 563, 192 A 353, 355.
University of Maryland v. Murray, 1935, 169 Md. 478, 182 A. 580, 592, 103 A.L.R. 706.
Chesnut decision.

rather than to the existence of State power." Though he admitted that the policy of segregation was not a law, because it had historically and consistently enforced by the Board, it was not a matter of conspiracy against any particular people. In the end, though, the case came down to the constitutionality of *Plessy v. Ferguson*. Chestnut stated, "The complaint does not question the existence of the rule but on the contrary asserts it and denies its constitutional validity." Additionally, "an important feature of the agreed statement of facts is that, for purposes of the question now before the court, the complainants made no contention that the facilities afforded for the separate races are not substantially equal," meaning that the City had not violated the "separate but equal" provisions under *Plessy*. Because of this, Chesnut found that even "If it can be assumed that the policy was unnecessary or unwise and the result of mistaken judgment, it was nevertheless official action authorized by legislation..." Accordingly, Chesnut ruled in favor of the defendants.

The plaintiffs appealed the case to the Fourth Circuit Court of Appeals in Richmond, Virginia, and stated they wished the case to reach the Supreme Court.[112] The case was argued before the appellate court on June 30, 1950, with a decision made on July 17, 1950. The court ruled to dismiss the complaint for the same reasons Judge Chesnut had, noting that the plaintiffs were not alleging that unequal facilities were provided by the city, but rather that segregated facilities were fundamentally unconstitutional. Like Chesnut, the appellate court found that due to *Plessy v. Ferguson*, the legality of segregation could not be questioned. As to the arguments that *Plessy* was "outmoded," the Court stated, "It is for the Supreme Court, not us, to overrule its decisions or to hold them outmoded."[113]

With the decision against forced integration of park facilities, it may have seemed at the time that hope was fading. In June 1951, though, the Board of Recreation and Parks was becoming tired of the constant complaints against segregation in the parks. President Anderson complained that "the Board has devoted more attention to the segregation problem than to other matters," and "has also worked hard on many other problems relating to park and recreation work, the complexity and volume of which is not often generally realized by the public." He

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[112] *Boyer et al. v. Garrett et al.*, 183 F.2d 582 (1950).
"Segregation Case Appeal is Denied," *Baltimore Sun*, January 3, 1951; "Appeal Set in Park Case," *Baltimore Afro-American*, January 7, 1950.

[113] US Court of Appeals Opinion, *Boyer v. Garrett*, (1950).

stated that they were working to discover the best course of action in the governance of the park and recreation system.

At the end of the meeting, Anderson announced the Board's plan to "eliminate friction" among users of the park facilities. This was revealed to be a series of partial steps towards integration of all the parks and facilities, with the important exception of swimming pools and public beaches. Anderson emphasized, "these revised regulations are the result of earnest searching for right answers that would, in our judgment, be proper in the interest of all the people of the City and with due regard for the past practices and changing conditions." The decision established certain tennis courts, athletic fields, and playgrounds to be used on an interracial basis, though the majority were to remain segregated, and the complete integration of the city golf courses. Dr. Harris, as the voice of the integration struggle on the Board, expressed his pleasure with the steps, while remaining in support of eventual complete integration.[114]

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The parks in Baltimore are indicative of the many other desegregation activities throughout the United States during the Cold War. Events like those at Druid Hill Park in Baltimore were seen by policy makers in the United States as a national security issue. A central pillar of United States involvement in the Cold War was that "the liberal, democratic, and capitalist order of the U.S. represented a more open and humane society than that of Communist states."[115] Every time an incident of racial discrimination and hostility rose to the international stage, it put the tenuous courtship of the Third World at stake. While this was not enough to change the actions and beliefs of all Americans, it did ultimately factor in to presidential action

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[114] Minutes BBRP, June 25, 1951. The complete provisions in regards to the proposal:

1- TENNIS: Separate tennis courts will be maintained for white and Negro patrons, as in the past, but in addition certain other courts will be designated on which interracial play will be permitted.
2- ATHLETIC FIELDS: Separate facilities will be maintained for white and Negro patrons, as in the past, but in addition certain other facilities will be designated on which interracial play will be permitted upon application and upon availability of such facilities.
3- GOLF: The present schedule covering the use of Municipal Golf Courses will be discontinued. Interracial play will be permitted at all times on all Municipal Golf Courses effective July 10, 1951.
4- PLAYGROUNDS: The use of playgrounds will continue as at present, except that supervised mixed play will be permitted on certain playgrounds to be announced at an early date.
5- SWIMMING POOLS: The use of Swimming Pools will continue as at present.
6- FORT SMALLWOOD BEACH: The use of Fort Smallwood Beach will continue in accordance with the schedule announced by the Board on May 12, 1951.

[115] Thomas Borstelmann, *The Cold War and the Color Line: American Race Relations in the Global Arena* (Cambridge, MA: Harvard University Press, 2001), 2.

and arguments for the support of wide-reaching desegregation. As Eisenhower explicitly stated during the events of Little Rock High School in Little Rock, Arkansas, "at a time when we face grave situations abroad because of the hatred that Communism bears toward a system of government based on human rights, it would be difficult to exaggerate the harm that is being done to the prestige and influence, and indeed to the safety, of our nation and the world" because of continued subjugation of non-whites in the United States.[116]

A common slur against civil rights supporters in the United States was to call them communists, and the same was said in Baltimore. In 1948, when the Young Progressives of Maryland, a political group of college-aged men and women in Baltimore, joined with the black Baltimore Tennis Club to stage a protest of Druid Hill Park's segregated tennis facilities, cries of communism were immediate. The interracial game was planned and advertised, but stopped by police before any actual play could take place. All of the players were arrested, along with several spectators who were heard to yell, "This is Nazi Germany! Why can't they play? They're 33 American citizens!"[117] As they were arrested, the protestors began singing songs like "America, the Beautiful," "My Country 'Tis of Thee," and the Negro National Anthem.[118] This did not stop the attending police officers from later claiming that the protestors were singing the famous socialist anthem "Internationale" in an attempt to discredit the patriotism of those arrested.[119] Under oath, police testified to hearing references to Russia coming from the crowd, including comments like, "Wait until the Russians take over."[120]

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116 Mary L. Dudziak, *Cold War Civil Rights: Race and the Image of American Democracy* (Princeton: Princeton University Press, 2000), 132.

117 Swan interview.

118 "Moser Delays Verdict in Tennis Case" *Baltimore Sun*, October 26, 1948; "Defendants Blame Police," *Baltimore Sun*, October 23, 1948*;* Swan interview.

119 The English version of "Internationale" as translated by Eugene Pottier (1871) begins:

> Arise! ye workers, from your slumbers;
> Arise! ye prisoners of want.
> For reason in revolt now thunders
> And ends at last the age of cant.
> Away with all your superstitions
> Servile masses, arise! arise!
> We'll change henceforth the old tradition
> And spurn the dust to win the prize.
>
> *Chorus*
> So comrades, come rally
> And the last fight let us face
> The Internationale

The resulting press after the tennis protest also included many references to communism. Some were on the side of the protestors, like Charles Sitter who claimed that incidents of racism and discrimination "play right into the hands of America's enemies."[121] The most influential, though, came from noted journalist H.L. Mencken. In a *Baltimore Sun* piece on November 9, 1948, Mencken undertook to answer what he termed the underlying question from the incident—"Has the Park Board any right in law to forbid white and black citizens, if they are so inclined, to join in harmless games together on public playgrounds?"[122] He supported the rights of any person to associate with any other person of their choosing, regardless of color. If the tennis courts were desegregated, "any white player could say yes or no to a colored challenger, and any colored player could say yes or no to a white. But when both say yes, why on earth should anyone else object?" Finally, he concluded:

> In answer to all the foregoing I expect confidently to hear the argument that the late mixed tennis matches were not on the level, but were arranged by Communists to make trouble. So far as I am aware this may be true, but it seems to me to be irrelevant. What gave the Communists their chance was the existence of the Park Board's rule. If it had carried on its business with more sense they would have been baffled. The way to dispose of their [communists'] chicaneries is not fight with them when they are right.

A political group, the Progressive Citizens of America, sponsored the Young Progressives. Supporting presidential candidate Henry Wallace, the PCA were a constant lightning rod of communist accusations. When the Fulton PCA Junior's basketball team allowed black boys to play in a game, Park Board President Garrett was quick to blame the entire PCA party, "with leanings on the subversive and communistic side," of "spearhead[ing] this entire issue." He went on to read from a report by the Committee of Un-American Activities sponsored by the House of Representatives:

> At the National Board meeting of Progressive Citizens of America in Chicago on June 30, 1947, the organization went even further on record in behalf of Marxism when it adopted resolutions binding it to fight for the socialization of railroads, power and coal mines. It had previously gone on record against President Truman's foreign policy, which the PCA criticized as antagonistic to Russia. It

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Unites the human race.

120 "Called Names at Park Game, Police Charge," *Baltimore Sun*, October 22, 1948; "Defendants Blame Police."
121 "Interracial Tennis Match Defendants Ask Jury Trial," *Baltimore Sun,* July 13, 1948.
122 Though it was not known at the time, "Equal Rights in Parks" was to be Mencken's last column.

> had openly opposed the Government's drive to oust Communists from Federal positions. It condemned the demands for the illegalization of the Communist Party. It demanded the renewal of wartime bureaucracy. Mr. Wallace, its mouthpiece, issued a statement a short time ago to the effect that workers of this Nation "look to Russia for inspiration."[123]

All of these sins, in Garrett's mind, left no question as to the true intentions of the PCA, and by extension every member of the basketball team. Dr. Harris attempted to defend those involved in the protest as well as all blacks, stating that they were not communists, but good Americans. No blacks were communists, he generalized, "for no Negro wants to overthrow the Government of the United States because it is the only Government he knows and loves." Further, he stated, "the best way to spread communism is to deprive people of their rights."[124] Even in Jim Crow America, where Dr. Harris was himself subjected to discriminatory practices, he and other black Americans felt love and loyalty to their flag. This was proven time and again as black Americans served their country in the armed forces, ran for political office when possible, and pledged allegiance to the very same flag in their segregated schoolhouses. Garrett's comments, then, cut especially deep, as he called into question the loyalty of those who remained patriotic even in the face of discrimination.

A 1950 article in *The Baltimore Afro-American* by Mae Medders provided a summary of many of the charges of communism leveled against Baltimore activists. They included: a group of black and white people asking the Mayor to end segregation in recreation facilities, to which he asked how many in the group advocated overthrow of the government by force; the Park Board claiming the Fulton PCA Junior's basketball team protest was "Communist inspired;" the State's Attorney shouting the tennis protestors were "revolutionists" during their trial; a City Councilman decrying an attorney as "radical" when he was told it was illegal to give money to an art institution that barred colored students; and the Ober Law which forced all city and state employees to sign loyalty oaths or be fired. Medders summed up the situation by saying, "As an excuse for ignoring the real issue of civil rights, Baltimore anti-liberals have made it a practice to holler 'red' or 'Communist' whenever any project aims to end segregation or discrimination."[125]

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[123] Committee on Un-American Activities, House of Representatives, Eightieth Congress, First Session, dated July 21, 1947, 152., quoted in Minutes BBRP, January 20, 1948.

[124] Minutes BBRP, January 20, 1948, executive session.

[125] The piece was accompanied by a political cartoon which showed a Sherlock Holmes-styled figure labeled "Anti- Liberals" peering through his magnifying glass to a boy playing with a bucket and pail. The inspector

In history, it is strongly held that no event can be understood without appropriate context. In the case of civil rights, that "appropriate context" is much more far-reaching than the borders of the United States. The Cold War and the civil rights movement were self-reinforcing, propelling each other forward even while pushing against each other. Because of this relationship even the smallest events of the civil rights movement, like an interracial youth basketball game in Baltimore, become indicative of a larger struggle not only for civil rights in the United States, but for diplomacy in the Third World and ideological supremacy across the globe.

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In 1950, a group of several black adults and children arrived at Fort Smallwood and attempted to purchase tickets for entrance to the public beach. The first cashier they saw stated simply, "we don't sell tickets to colored people." Another cashier, Kenneth Cook, told the group that the beach was white-only, in accordance with the same 1951 Board decision that had desegregated the municipal golf courses. One black man who had arrived in advance of the main group had been allowed to purchase a ticket, but Cook explained, "the only reason he had been allowed into the bathing area was because the cashier had not been informed to refuse colored persons since none had attempted to use the park or its facilities before then." In a stunning example of avoidance, the Superintendent of Parks Charles A. Hook explained to the *Afro-American* that Fort Smallwood's grounds were open to all citizens, in accordance to Park Rule #1, even though the beach was segregated.[126] Blacks could enter the gates of the park, but could not gain entrance to the bathhouse and were barred from the sand.

Linwood G. Koger, Jr., a lawyer for the NAACP, took the case to court. The city's main defense was that "the park, with the exception of the beach, had always been open to Negroes and that prior to last August no Negroes had asked to use the beach." In March 1951, Judge William Calvin Chesnut, the same judge who had heard the case on golf segregation in Baltimore, ordered that the Fort Smallwood beach must be opened to blacks as no comparable facility was available to them. Again, the Board implemented a segregated schedule similar in spirit to the staggered days for black and white golfers on the city links. The schedule left the beach white-only for the first 20 days of June, July and August, and reserved the remainder of

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proclaims "Uh-mmm yes I believe it's RED!"
Mae Medders, "'Red' Charges Hurled at Many Leaders of Civil Rights Projects in Baltimore," *Baltimore Afro-American,* April 29, 1950.

126 "Group May Sue to Open Park."

each month for black use.[127] Koger was outraged by the Board's decision, and asked Chesnut to re-open the case and "rule that all persons must be admitted to all facilities at the park at all times without discrimination on account of race or color."[128] Instead, the case came before Judge Roszel Thomsen in 1954.[129] In its answer to the suit, the Board contended, "the recreational facilities afforded people of the Negro Race for swimming in the parks of Baltimore City are substantially equal to the facilities afforded people of the White Race," and therefore not in violation of any Fourteenth Amendment rights.[130]

Before the arguments began, the Supreme Court of the United States issued its landmark ruling of *Brown v. Board of Education of Topeka*, ruling that "separate educational facilities are inherently unequal," rendering the earlier precedent of *Plessy v. Ferguson* constitutionally invalid and ordering the desegregation of all schools."[131] Rather than accepting the Supreme Court decision as applying to all public facilities, Judge Thomsen approached *Brown* as the exception and segregation as the rule.[132] The defense attorneys argued that pool segregation must be allowed to continue because of the "intimate contact" between men and women that could occur at a pool.[133] Tucker D. Dearing, an assistant NAACP attorney in the case under Thurgood Marshall, contended, "it wasn't a question of whether or not segregation was constitutional while they had equal but physical facilities...I contended that segregation itself...was an invidious classification, and it was per se unconstitutional because it violated the Constitution and was contrary to the ways of a free people in a democratic society."[134] Another NAACP attorney, Jack Greenberg, attempted to make the argument that "any segregation based on race is psychologically damaging," but was stopped by Thomsen who called his premise into question.[135]

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127 "City Opens Smallwood to Negroes," *Baltimore Sun*, May 25, 1951.

128 "Ft. Smallwood Bathing Beach Policy Decried," *Baltimore Sun*, May 26, 1951.

129 *Dawson v. Mayor and City Council of Baltimore*, 123 F. Supp. 193 (1954). The case of Fort Smallwood was heard in conjunction with the case of segregation at Sandy Point State Park. Francis X. Gallagher, Assistant Baltimore City Solicitor said the decision on the case "will be capable of application to all public swimming facilities." ("Cases Set Today on Segregation," *Baltimore Sun*, January 11, 1955.)

130 Minutes BBRP, September 22, 1953.

131 *Brown v. Board of Education of Topeka*, 347 U.S. 483 (1954).

132 Tucker D. Dearing, Interview by Susan Conwell, August 11, 1976, OH 8159, Theodore R. McKeldin—Lillie Mae Jackson Civil Rights Era Oral History Project, Maryland Historical Society.

133 Wiltse 156.

134 Dearing interview.

135 Thomsen opinion, *Dawson v. Mayor* (1954).
Thomsen complained that in its *Brown* decision, the Supreme Court was citing from sociology books, which he

Agreeing with the defense attorneys, Thomsen ruled in favor of the defense and thus in favor of continued segregation at the public beaches and pools. In regards to the *Brown* decision, Thomsen believed the ruling applied "with greatly diminished force, if at all, in the narrow field of public bath and swimming facilities." He added, "the degree of racial feeling or prejudice in this State at this time is probably higher with respect to bathing, swimming and dancing than any other interpersonal relationship except direct sexual relationship." As such, he believed, "it is quite possible that the end of segregation in education will weaken racial feeling to a point where it will no longer be appropriate to continue segregation in these facilities. But at this time I cannot say that the regulations are unreasonable." He noted that the Supreme Court may decide at some future point to issue a ruling "to destroy the whole pattern of segregation...but it has not done so yet."[136]

The Afro-American was particularly harsh in its criticism of Thomsen's ruling. One editorial proclaimed, "any other interpretation of the High Court's May 24 ruling [than complete desegregation] is a failure to understand the English language."[137] Another editorial compared the two decisions:

> Chief Justice Earl Warren, using language an eighth grade child could understand, took only 11 pages to write the decision abolishing segregation in public education. Newly appointed Judge Roszel C. Thomsen, in an effort to narrow that historic May 17 decision, takes 31 pages of tortured, legalistic verbiage to conclude that the doctrine of "separate but equal" still applies to public recreation. But the more he unwinds it, the more he winds it up.

The *Afro* editorialist went on to say, "[Thomsen's] assertion is that it was not the intention of the United States Supreme Court to destroy the whole pattern of segregation....We are just as firmly convinced that it was."[138]

The NAACP quickly appealed Thomsen's ruling to the United States Court of Appeals, Fourth Circuit.[139] This time, the court ruled that in *Brown v. Board*, the Supreme Court had "swept away" the separate but equal doctrine. In its decision, the Court of Appeals specifically

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considered "extralegal." The only book which Thomsen also took judicial notice of in his decision was Gunnar Myrdal's *An American Dilemma*. ("Federal Court Asked to End Segregation in City's Pools," *Baltimore Sun*, June 23, 1954.; "Court Rules Segregation for Bathers," *Baltimore Sun*, July 28, 1954.)

136 Thomsen opinion, *Dawson v. Mayor* (1954).

137 "NAACP to Appeal Thomsen's Ruling," *Baltimore Afro-American*, August 7, 1954.

138 "Unconstitutional: How We Took Defeat on Beach Cases Last July," *Baltimore Afro-American*, March 26, 1955.

139 *Dawson v. Mayor and City Council of Baltimore*, 220 F. 2d 387 (1955).

addressed the previous Maryland segregation decisions of *Durkee v. Murphy* and *Boyer v. Garrett*, which had given the Board of Recreation and Parks permission to segregate golf, tennis, and basketball facilities in Baltimore. A far cry from the earlier refrain that "separation of the races is normal treatment in Maryland," the court stated, "It is now obvious...that segregation cannot be justified as a means to preserve the public peace merely because the tangible facilities furnished to one race are equal to those furnished to the other." While Thomsen had not allowed the argument that segregation was psychologically damaging to the black children of Baltimore, the Circuit Court ruled:

> The Supreme Court expressed...that it must...also take into account the psychological factors recognized at this time, including the feeling of inferiority generated in the hearts and minds of Negro children, when separated solely because of their race from those of similar age and qualification. With this in mind, it is obvious that racial segregation in recreational activities can no longer be sustained as a proper exercise of the police power of the State; for if that power cannot be invoked to sustain racial segregation in the schools, where attendance is compulsory and racial friction may be apprehended from the enforced commingling of the races, it cannot be sustained with respect to public beach and bathhouse facilities, the use of which is entirely optional.[140]

In essence, explained Dearing, "it was more detrimental to the heart, mind, and soul psychologically of a kid who looks through a fence when the thing was voluntary than when it was compulsory."[141] Thomsen's decision was thereby reversed.

The case next went to the Supreme Court.[142] There, with one simple word, the Supreme Court effectively ended the legal basis of all segregation in public parks: "Affirmed." NAACP executive Roy Wilkins was encouraged by the ruling, predicting that "these latest rulings...are the handwriting on the wall spelling out the ultimate doom of all Jim Crow and vindicate our claim of moral leadership among the free nations of the world."[143] Northern newspapers also reacted with excitement to the ruling. The *New York Post* editorialized, "Jim Crow, a decrepit fellow whose years are clearly numbered, has taken another rough beating at the hands of the U.S. Supreme Court," and the *New York Herald Tribune* supported the decision, stating, "in banning segregation from all publicly supported facilities the Supreme Court logically took

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140 US Court of Appeals opinion, *Dawson v. Mayor* (1955).
141 Dearing interview.
142 *Mayor and City Council of Baltimore City v. Dawson*, 350 U.S. 877 (1955).
143 Wilkins Sees Court's Rulings as 'Handwriting on the Wall,'" *Baltimore Afro-American*, November 19, 1955.

further steps against segregation." The news of the decision was not as welcome in the South, however, prompting the *Richmond News Leader* of Virginia to opine, "The lengthening hand of Federal judiciary tyranny stretches across our lives, our customs, across the whole fabric of dual society in the South."[144]

Even as the first Fort Smallwood case was awaiting a verdict, the Board of Recreation and Parks was debating its segregation policy in light of *Brown v. Board*. Rev. Wilbur H. Waters, then the only African-American member of the Board, wanted to hold a meeting to discuss possible changes to the policy, but Commissioner Maxwell stated that he believed the group should wait until a request had been made of the Board to reconsider the matter. Commissioner Wise supported talking about the policy even without a complaint before the Board, stating, "[it] should not make a decision forced upon it by public opinion or pressure groups but should rather use its own best judgment in working out the best possible solution."[145] In July 1954, the Board received assurance from the Deputy City Solicitor "that the Supreme Court decision did not compel the Board to make any changes to its policy at this time."[146]

Rev. Waters's position as the only black member of the Board put him at an awkward crossroads of interest in the court cases. Like Dr. Harris before him, Rev. Waters was a staunch proponent of equal rights and advocated for desegregation of all park facilities. Even so, in the case of Fort Smallwood and its subsequent application to municipal pools, Waters decided to hold with the rest of the Board in following the legal advice of City Solicitor Biddison. After Water's motion to accept Biddison's counsel, Commissioner Shriver "praised Rev. Waters for his statement...concerning the Board's position to follow the legal advice of the City Solicitor, and of his desire to go along with the Board in this respect." Board President Anderson made an equally awkward statement, "that it was a privilege to serve with all the Board Members whose views were always in the best public interest, and especially with Rev. Waters who is a high class gentlemen trying to do a job for all the people in the best manner possible. He told Rev. Waters that he has the utmost respect and appreciation for him."[147]

Rev. Waters' patience soon paid off. With the Supreme Court affirmation of the Circuit Court of Appeals ruling, the Board prepared to desegregate. At an executive session of the Board

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144 As reported in "Daily Press Eyes Beach Ruling," *Baltimore Afro-American*, November 19, 1955.
145 Minutes BBRP, June 10, 1954.
146 Minutes BBRP, July 17, 1954.
147 Minutes BBRP, April 15, 1955.

held on November 18, 1955, Rev. Waters was given the honor of making the following motion: "I move that the policy of this Board be the operation of all park and recreational facilities under its jurisdiction be henceforward operated on an integrated basis." The motion was symbolically seconded by all the members present, and carried unanimously. At the full Board meeting after the executive session, President Anderson announced the decision with no discussion of the matter. He stated, "the Board thoroughly considered the effect of such a decision and has unanimously decided that the parks and recreational facilities will henceforward be operated on an integrated basis." He then asked the Board to reaffirm its action; Waters again made the official motion to integrate park facilities, and all voted unanimously.[148] In closing, Anderson asked for "the cooperation and understanding of everyone in carrying this policy through without unpleasantness."[149] The *Baltimore Afro-American* was in full support of the Board's decision, running an article which stated:

> After 50 years of segregation, the Baltimore Park Board took only five minutes Friday to open this city's parks, swimming pools and recreation facilities to everybody....
>
> The ruling thus makes Baltimore's recreational facilities open to all, just as they were 50 years ago when the development of park sites began.[150]

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148 Minutes BBRP, November 18, 1955.
149 "Action Gets Unanimous O.K. Twice," *Baltimore Sun*, November 19, 1955.
150 "'Swim Anywhere,' Rules Park Board," *Baltimore Afro-American*, November 26, 1955.