CHAPTER 5
"ONE FOR THE WHITE RACE AND
THE OTHER FOR THE COLORED RACE"
The Onset of Racial Discrimination,
1920 to 1940

In one of the largest parks in Pittsburgh, the city—with public funds—erected a swimming pool. . . . Negroes, of course, have a right to go there and swim. Some of them did. They were set upon by a group of white hoodlums and severely beaten. This was last year. Recently two Negroes went to the pool to swim and they too were clubbed by white hoodlums. I forgot to mention the very important fact that white women swim in this pool also with the men.—Ernest McKinney, Pittsburgh Courier (1932)

When New York City opened its eleven WPA pools in 1936, the Department of Parks started an annual “Learn to Swim” campaign. A publicity poster for the campaign reflected the social integration that had occurred at the city’s pools. It indicated that the swim classes were available “for all ages” and showed a cartoonlike drawing of males and females standing next to one another in the background. The composition of the poster did suggest, however, at least one social division at the pools. All the swimmers clustered on the left side were white, while all those on the right side were black. The poster implied that blacks and whites would not be learning to swim together.

The racial segregation depicted on the “Learn to Swim” poster reflected the actual use of municipal pools in New York and other cities throughout the northern United States at the time. The social melting pot that municipal pools became during the 1920s and 1930s was accompanied by the exclusion and segregation of black Americans. The pattern of discrimination varied with the size and culture of the city. Large metropolises, which oper-
LEARN TO SWIM

CAMPAIGN

JUNE 3 - JUNE 22

CLASSES FOR ALL AGES FORMING IN ALL POOLS

SPONSORED BY DEPARTMENT OF PARKS

WPA Learn to Swim Poster, New York Department of Parks, 1940. The racial separation depicted in the poster reflected the actual use of municipal pools in New York and other northern cities at the time. By the People, For the People: Posters from the WPA, 1936–1943 Collection, Prints and Photographs Division, Library of Congress, Washington, D.C., neg. LC-USZC2-5399.
ated many pools, generally segregated black swimmers at Jim Crow pools. In cities with a southern heritage such as St. Louis and Washington, D.C., segregation was officially mandated. Public officials explicitly assigned certain pools for black residents and others for whites. Further north, in cities such as New York and Chicago, city officials encouraged de facto segregation by locating pools within racially homogeneous neighborhoods. They built one or two pools within black residential neighborhoods and the rest in thoroughly white neighborhoods. When blacks sought admission to pools earmarked for whites, attendants discouraged them from entering but did not outright deny them admission. Enforcement then fell to white swimmers who often harassed and assaulted black Americans who transgressed this new racial boundary. In this way, segregation was frequently achieved through violence. In smaller communities with only one pool, racial discrimination took the form of outright exclusion. Access to these pools was intensely contested because there was no other pool to which city officials could relegate black swimmers.

Several factors contributed to the onset of racial segregation and exclusion at municipal pools in the North. The most significant were the Great Black Migration, the emergence of race-based sanitation and health fears, and gender integration. The influx of approximately 1.5 million southern blacks between 1916 and 1930 reshaped the social geography of northern cities in ways that facilitated de facto segregation at pools. During the migration, urban neighborhoods became more rigidly divided along racial lines. Black residents of Chicago, Cleveland, New York, Detroit, and other northern cities became concentrated within one or two well-defined “black belts.” As a result, public activities such as shopping and recreation tended to split along racial lines. Blacks generally frequented the pools nearest to their homes, and whites did the same. Furthermore, the influx of southern migrants heightened racial antagonism in northern cities by increasing competition between blacks and working-class whites for jobs, housing, and public services. The antagonism led to race riots as well as countless isolated episodes of violence. Ethnic whites, for example, frequently attacked blacks who entered “their” neighborhoods. While these attacks were not specifically directed at would-be swimmers, the threat of assault did deter black swimmers from venturing to pools in white neighborhoods. The 1919 Chicago Riot best exemplifies the rising racial tensions of the migration years and, in particular, highlights the increasing sensitivity among northern whites to sharing the same water with blacks. The riot began after white bathers threw rocks at several black teenagers who had floated into water fronting a “white” beach along Lake Michigan.

_Onset of Racial Discrimination_ 123
One of the teenagers drowned and “a seven-day orgy of shootings, arsons, and beatings” followed.3

The Great Migration further contributed to the onset of racial discrimination at swimming pools by heightening northern whites’ concerns about the cleanliness and health of northern blacks. During the Gilded Age and Progressive Era, pool use divided along class lines—but not racial lines—in large part because middle-class Americans viewed the urban poor en masse as the “great unwashed.” They perceived working-class whites and blacks as equally dirty and prone to carry communicable diseases. This class-based prejudice was constantly reinforced by the waves of poor immigrants entering the United States from southern and eastern Europe.4 When European immigration declined after 1914, black migrants from the South replaced European immigrants as the most conspicuous poor in northern cities. The vast majority settled in trash-laden, rundown slums, while many first- and second-generation European immigrants moved to slightly better neighborhoods. Furthermore, northerners generally viewed the southern migrants as dirty, crude, and likely to be infected by communicable diseases.5 This stereotype was reinforced by public health reports that indicated rising rates of tuberculosis, smallpox, and venereal diseases among northern blacks as a result of the migration.6 The combined effect was that Progressive Era class-based sanitation fears gradually gave way to more thoroughly race-based fears. Just as the urban middle class had previously avoided swimming with the working classes, northern whites of all social classes now objected to swimming with blacks, in part, because they feared contracting a communicable disease and becoming contaminated by their supposed dirtiness.

Gender integration and the eroticization of swimming pools, however, were the most direct and crucial causes of racial exclusion and segregation at municipal pools in the North. When cities permitted males and females to swim together, white swimmers and public officials suddenly attempted to separate blacks from whites. Although the rationale remained mostly unspoken, northern whites in general objected to black men having the opportunity to interact with white women at such intimate and erotic public spaces. They feared that black men would act upon their supposedly untamed sexual desire for white women by touching them in the water and assaulting them with romantic advances.7 Racial segregation also enabled communities to restrict white women’s social and sexual choices by limiting their opportunities to meet and form relationships with black men. Finally, the importance of the exposed male body as a sign of masculinity also likely contributed to the onset of racial segregation and exclusion at municipal pools. As Gail Be-
derman has shown, justifications of racial superiority were based in part on assumptions and assertions of white men's superior manliness. "Turn of the century manhood," writes Bederman, "constructed bodily strength and social authority as identical." If black men were permitted to frequent the resort pools of the interwar years, some of them would have displayed powerful and muscular physiques and thereby conspicuously challenged white supremacy. That challenge could be avoided by keeping blacks separate from whites at public spaces where men's bodies would be exposed. For these mostly unacknowledged reasons, gender integration and the eroticization of swimming pools necessitated racial segregation.

The onset of racial segregation at municipal swimming pools was part of a larger social and intellectual transformation that occurred in the urban North between the two world wars. Matthew Guterl argues in The Color of Race in America that northerners reconstructed their notions of race along rigid black-white lines during the 1920s and 1930s: "If many turn-of-the-century Americans wrestled with problems of racial classification, all that changed in the twenty years following the Great War. . . . The result was a culture of racial thinking termed 'bi-racialism' by the eugenicist Lothrop Stoddard, which encouraged Americans to focus on race-as-color and almost solely on whiteness and blackness, leaving them increasingly unable, or unwilling, to deal with national 'race questions' other than the purportedly peculiar conundrum posed by 'the Negro.'" The history of swimming pools reveals that a related social reconstruction occurred at the same time. Simply put, between about 1920 and 1935, class, gender, and generational distinctions, as represented by public social divisions, became less salient in northern cities, while racial distinctions, as defined by color, became more so. Class, gender, and generational divisions certainly did not evaporate during this period nor were black-white racial distinctions suddenly invented. However, northern urban society did become fundamentally more integrated along class, gender, and generational lines, yet more segregated along racial lines. The social reconstruction of municipal pools offers one example of this larger transformation and suggests some of its causes as well.

In August 1931 Pittsburgh opened a gigantic outdoor swimming pool in Highland Park that became a racial battlefield precisely because it was gender-integrated. The facility had two large pools—a main tank 220 feet long and 90 feet wide and a 220 by 220 foot wading pool. In total, the pools were the length of a football field and twice as wide. When densely packed, which they often were, the pools could accommodate 10,000 swim-
mers. The facility also included a large sandy beach and a broad concrete sun
deck, where swimmers could indulge in the exhibitionism and voyeurism
now integral to the pool experience.¹⁰

Thousands ventured to Highland Park Pool the day it opened, including
many black Americans. They no doubt expected unencumbered access just
as they had to all the other municipal pools in the city. To their surprise, at-
tendants picked each and every identifiably black person out of the stream of
people entering the pool and asked to see his or her “health certificate,” even
though no white swimmers had to prove that they were disease free. When
prospective black swimmers could not produce the document, which none
could, attendants turned them away. That evening, representatives from a
local black citizens group asked Superintendent of Public Works Edward
Lang, whose department administered the city’s pools, to clarify the admis-
sion policy. Lang disavowed any knowledge of the health certificate require-
ment and assured them that no further discrimination would occur.¹¹

The next day, fifty or so young black men made their way to the pool. As
Superintendent Lang had promised, the attendants permitted them to enter.
When the black swimmers approached the pool, some of the estimated 5,000
people already in the water began shouting threats. The young men appealed
to the police officers stationed at the pool for protection but were told that
once they entered the water the police could (or rather would) do nothing to
help them. Frightened but undeterred, they slipped into the crowded pool. A
reporter for the Post-Gazette described the violence that followed: “Each Ne-
gro who entered the pool yesterday was immediately surrounded by whites
and slugged or held beneath the water until he gave up his attempts to swim
and left the pool.” The white swimmers eventually beat all fifty young men
out of the water.¹²

The following day, four more young men tried to swim in the pool but
never made it through the front gate. Eugene Dickerson, Hugh Davis, J. D.
Williams, and Emmanuel Phillips were attacked by “a group of whites” as
they approached the facility. Police officers stationed at the pool watched as
the men punched and kicked the teenagers to the ground. When the barrage
of fists and feet slowed, the officers finally stepped in and arrested two men
for “disorderly conduct” and “inciting to riot.” The two arrested were Dick-
erson and Davis, the young men who suffered the most severe beatings. The
following morning, the local magistrate found both men guilty and fined
them twenty-five dollars each.¹³

Over the next two weeks, the same pattern repeated several times. Small
groups of black swimmers entered the pool and subjected themselves to
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potentially life-threatening attacks by white swimmers. The pool police then arrested the black swimmers for "inciting to riot." This charge was speciously apt. The presence of black swimmers did indeed incite other swimmers to riotous behavior, but surely the authors of the law envisioned behavior more antagonizing than swimming in a pool. But that is the critical point. Blacks swimming in the same pool with whites was—all of a sudden—so antagonizing that it led many white swimmers to brutally attack them. If the “inciting to riot” charge was not too farfetched, the magistrate typically found the black victims guilty and fined them between five and twenty-five dollars.¹⁴

The violence climaxed that first summer on August 20. A dozen teenagers ventured to the pool and made it through the gate and showers without incident. As they approached the pool, however, several men began shouting threats. The group tried to ignore the taunts and stares, perhaps trusting Mayor Charles Kline’s recent public assurance that the police officers stationed at the pool would protect them. If so, their trust was misplaced. According to the Courier, the city’s black newspaper, one of the officers actually encouraged swimmers to beat the boys out of the water. “We can’t afford to let these niggers run this town,” he was quoted as saying. As the black teens waded into the pool, “white bathers” started by throwing rocks at them and then swarmed them like human piranhas—punching and dunking them without mercy.¹⁵

After a particularly vicious blow to the head, one of the victims “gave a piercing distress call” heard by an African American church group picnicking in a nearby section of Highland Park. Several in the group rushed to the pool to investigate the cry for help. Seeing the mob beating the overmatched youths, the Courier reported that “one or two started as if to climb over the fence to go to the boys’ aid, but, the policemen drew their guns and threatened to shoot if they tried to do this.” Velma Brown, a member of the church group, screamed at the officers for not stopping the violence, so they clubbed her with a mace. Another picnicker, T. H. Lewis, stepped in to protect Brown, but the officers dragged him to a nearby cottage where, according to the Courier, they “beat him” and “battered him painfully about the head, face, and mouth.” When the onslaught finally ended, the police arrested seven people for disorderly conduct—all seven were black. T. H. Lewis was charged with the more serious crime of assaulting a police officer with a deadly weapon. The officers who beat him claimed that he attacked patrolman Charles Scherlein with a knife. Even one of Pittsburgh’s daily papers, the Sun-Telegraph, found it odd that the arresting officers could not produce the knife.¹⁶

The racial violence at Highland Park Pool was widely discussed in the

Onset of Racial Discrimination 127
local press. Newspaper commentators and city spokesmen attempted to exonerate the city and the larger white community by attributing the violence to East End Italian “hooligans.” This was a local ethnic-racial clash, they implied, rather than a citywide racial problem. In a literal sense they were probably correct. Even though most reports of the violence described the attackers generically as “white men” and “white bathers,” some evidence suggests that young Italian men did indeed throw most of the fists that bloodied the faces of black swimmers. In doing so, however, they were the instruments for imposing a racial segregation policy favored by city officials and the white community in general. The pool police officers—who had non-Italian names such as Walter Burns and Charles Scherlein—did not arrest the attackers or otherwise limit the violence. Rather, they encouraged the beatings. The hundreds, sometimes thousands, of other swimmers at the pool—who came from throughout the city—did not stop or deter the violence either. Rather, they implicitly condoned the violence by sometimes vacating the pool en masse as soon as black swimmers entered.17 Top city officials were also culpable. They permitted the violence to continue by not disciplining or even transferring the police officers who oversaw the attacks. As the Courier recognized, the violence was “winked at by the Department of Public Safety and almost openly countenanced by city officials.”18 The events that summer show that white swimmers, police officers, local magistrates, and even top city officials all sought to exclude black Americans from Highland Park Pool.

The clear cause of this determined effort was mixed-gender use. Even as racial violence plagued Highland Park Pool, blacks and whites swam together in relative harmony at the city’s other municipal pools, which, not coincidentally, remained gender-segregated. “No trouble arises [at the other pools],” reported the Courier, “because the boys, white and colored, and the girls, white and colored, are in the pool on days set aside for their respective sex.”19 The only pool at which trouble did arise was Highland Park Pool. “The whole trouble,” the Courier explained, “seems to be due to the way the Highland Park Pool is operated. It is the only city pool where men and women, girls and boys swim together.” According to the paper, mixed-gender swimming brought “the sex question into the pool, and trouble is bound to arise between the races.”20 As happened in St. Louis with the opening of Fairgrounds Park Pool, gender integration necessitated racial separation. Whereas St. Louis officially excluded black residents, Pittsburgh let white swimmers beat them out of the water.

Representatives from the local National Association for the Advancement of Colored People (NAACP) branch met with city officials late in the summer
يدة to enact violence, they intended the attackers to be white men, not white women. The white men were formidable opponents. The attackers were well-armed, and many of them were known to be members of the Ku Klux Klan. Despite the efforts of Mayor Kline and Superintendent Lang to negotiate a peaceful resolution, the attacks continued unabated.

In an attempt to resolve the racial conflict at the pool, the black leaders requested that males and females be separated at Highland Park Pool as well. Gender segregation, they explained, would take the sex and social features out of the issue and resolve the problem. They also explained to Mayor Kline and Superintendent Lang that black women were just as concerned as white women about the intimacy involved in swimming at a mixed-gender pool. "None of the colored girls want to swim with the white boys, and the white girls do not want to swim with the colored boys." In advocating gender segregation, however, black leaders were swimming against the social current of the times. They sought to maintain patterns of public social interaction characteristic of the Industrial Age. City officials refused, because by 1931 they had come to see race as a more meaningful public social division than gender. Mayor Kline proposed not to return to gender segregation but, rather, to make racial segregation official, offering black swimmers exclusive use of Highland Park Pool one or two days a week. The black leaders, however, refused to consent to such an arrangement.

Even though the sexual security of women was at the heart of the conflict, the debate over pool use was a male-dominated discourse. Men did the negotiating and the fighting, all the while representing or expressing the interests of women. Black men claimed that black women did not want to swim with white men. On the other side, white men attacked black men to keep them from swimming with white women. It seems quite clear that white men and black men did not want women of their respective race swimming with men of the other. What the women themselves thought is not as clear. Despite the emergence of the "new woman" in the 1920s, exemplified in part by the increasing number of women swimming in municipal pools, the voices of women in Pittsburgh—white and black—were not heard, at least not publicly, about this conflict that supposedly centered on their interests.

Frustrated by the city's commitment to mixed-gender use and its unwillingness to protect the safety of black swimmers at Highland Park Pool, the city's black leadership organized a political protest. The local NAACP and the Twelfth Ward Civic Group hosted several community meetings late in the summer of 1931. At one meeting held at the Bethesda Presbyterian Church, "thousands jammed and packed every nook and corner of the edifice while speakers flayed discrimination and race prejudice." The message was clear and simple: punish the city's Republican administration by voting Democrat in the upcoming election. Mayor Kline was not up for reelection, but several political allies were. Many black voters did indeed abandon the Re-

Onset of Racial Discrimination 129
ublican Party and vote Democratic. The day after the election, the Courier reported that, “the people must have wanted a change and wanted it badly. From the way they played hopskip and jump from Republican to Democrat.” The result was that black voters helped oust several Republican aldermen close to Mayor Kline.24

Despite the successful protest vote, racial violence returned to Highland Park Pool the following summer. A few days after it opened for the 1932 swimming season, two young black men, Clyde Crawford, twenty-eight, and August Ross, twenty-two, entered the pool unmolested but not unnoticed. All 200 white swimmers in the water quickly got out. Many of the men changed their clothes and gathered weapons as the two black men swam alone in the enormous pool. When Crawford and Ross climbed out, an estimated 100 of the earlier swimmers “brutally pummeled and slashed [them] with clubs.” According to the Courier, lifeguards “made a valiant effort to protect the victims,” but the police let the beatings continue. Both men sustained severe injuries that necessitated hospitalization. None of the assailants were arrested. This brutal assault effectively intimidated black swimmers from entering the pool again that summer.25

Shortly before the beginning of the 1933 swimming season, Mayor Kline promised to protect black swimmers and even stationed a black police officer, Louis West, at Highland Park Pool. Kline’s change of heart probably had something to do with the upcoming mayoral election. If black voters abandoned the Republican Party as they did in 1931, he was sure to lose. For the first several weeks, small groups of black swimmers used the pool without incident. On July 17, however, racial violence returned. Officer West had been reassigned to the city zoo, which left black swimmers unprotected. Mrs. Henry Lindsay, the wife of a prominent undertaker, was swimming in the pool that day with her two daughters when a large man threatened that she better leave, “if she knew what was good for her health.” Well aware of the mayor’s promise, Lindsay reported the threat to Lieutenant Walter Burns, the ranking officer at the pool. Burns replied that the mayor’s assurance of protection was nothing but political “ballyhoo” and then told Lindsay that her kind was “not wanted” at the pool. Afraid for the safety of her daughters, she gathered them and left. A few hours later, a group of male swimmers attempted to enter the pool but was attacked while showering. One of the men escaped from the bathhouse and called for the police to rescue the others, but the officers refused, explaining that they “could not get their clothes wet.”26

The return of violence effectively resegregated the pool and prompted black leaders to once again seek justice through political protest. Shortly
after the July 17 incidents, the Pittsburgh NAACP held a meeting at the Wesley Center African Methodist Episcopal Church that attracted hundreds of angry citizens. “Remember to go to the polls in September,” one speaker exhorted the crowd, “and cast a vote of protest against the present administration. Every blow the victims received at the Highland Park Pool was a blow administered to the Negro as a group.” Most black voters followed the advice, casting a majority of votes for the Democratic challenger William McNair. “Helping materially in the destruction of the citadel of the rock-ribbed Republicans,” reported the Courier, “went the bulk of the Negro voters in the role of determined Democrats.” The migration of black voters tipped the balance of power in Pittsburgh to the Democrats. McNair’s victory marked the end of a twenty-seven year Republican reign in the steel city.

Despite black voters’ instrumental role in McNair’s election, the plight of black swimmers worsened under the new administration. Prior to the 1934 swimming season, McNair asked black leaders to accept voluntary exclusion from Highland Park Pool in exchange for exclusive use of nearby Washington Boulevard Pool, a small, dilapidated facility that had already been abandoned by white swimmers. Even though black leaders rejected the offer, the actual use of both pools reflected this arrangement. According to East End resident Olander Raymond Justice, black swimmers did not dare to swim in Highland Park Pool because they “were in grave danger of losing their lives.” Instead, they crowded into Washington Boulevard Pool, where the city permitted mixed-gender swimming one-and-a-half days a week. Recreation officials further outraged the East End black community by hiring only white lifeguards to oversee Washington Boulevard Pool, even though all the swimmers were black. This was particularly insulting because jobs were so scarce at the time. After the 1934 season ended, Mayor McNair ordered that black swimmers be barred from entering Highland Park Pool. Jim Crow racial segregation had become official city policy.

The following summer racial violence spread to Pittsburgh’s gender-segregated pools. On July 7, 1935, a group of five white youths terrorized young Frank Reynolds, nine years old, at Paulson Playground Pool. According to the Courier, they “beat and kicked” him in the dressing room and then held him underneath the water while in the pool. Frank’s mother reported the assault to Inspector Kellie of Police Station No. 6. Instead of investigating the incident, Kellie admonished her. “Why can’t you people use the Washington Boulevard pool,” he told her, “I don’t approve of colored and white people swimming together.”

Inspector Kellie’s comment reveals that social assumptions that developed
in one social context could quickly and easily be applied to others. For two
generations prior to 1935, it was socially normal for blacks and whites of the
same sex to swim together in Pittsburgh's municipal pools. At first, the
assumption that blacks and whites should not swim together was narrowly ap-
plicated to gender-integrated pools. As whites experienced swimming only with
other whites at Highland Park Pool, however, this narrow social assumption
expanded into a more general assumption that blacks and whites should not
swim together regardless of the gender mix. As a result, Pittsburgh's still
gender-segregated pools became racial battlefields as well. What began at
Highland Park Pool altered social assumptions in ways that clearly affected
other spheres. In this way, violence and segregation at municipal pools did
not simply reflect general social attitudes and patterns of social interaction;
what happened at pools played a role in determining them.

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It is clear from the cases of Fairgrounds Park Pool in St. Louis
and Highland Park Pool in Pittsburgh that gender integration was the most
direct and crucial cause of racial segregation at municipal swimming pools.
But why? Why in the minds of white public officials and white swimmers did
mixed-gender use necessitate racial separation? In his 1933 autobiography
Along This Way, James Weldon Johnson observed that "in the core of the heart
of the American race problem the sex factor is rooted; rooted so deeply that
it is not always recognized when it shows at the surface. Other factors are
obvious and are the ones we dare to deal with; but, regardless of how we deal
with these, the race situation will continue to be acute as long as the sex fac-
tor persists."32 Johnson was not specifically referring to the "race problem"
at swimming pools, but he might as well have been. Black commentators
openly acknowledged the inextricable link between gender integration and
racial exclusion at municipal pools. Northern whites, on the other hand, were
more reticent in their words if not their actions. No public official or white
swimmer publicly explained why mixed-gender use necessitated racial sepa-
raton, but several explanations seem likely.

The resort pools of the interwar years offered visual, social, and even
physical access to other swimmers. Pool users visually consumed one an-
other, chatted and arranged dates, and potentially touched in the crowded
water. At the time, most northern whites objected to black men interacting
with white women in any of these ways. For one, they feared it would lead
to sexual assault and even rape. Widespread racial prejudices at the time led
most whites to view black men generally as sexually aggressive and, in some
cases, prone to uncontrollable sexual desire for white women. This racist

32 Onset of Racial Discrimination
stereotype originated and took on its most vitriolic form in the South, but it also shaped the thinking of northerners as well. According to historian Matthew Gutler, “the southern tradition of Negrophobia became the dominant mind-set” among northern whites during the late 1910s and 1920s. The popularity of D. W. Griffith’s 1915 epic *Birth of a Nation* reflected what Gutler has aptly called the “southernization of northern racial discourse.”

Birth of a Nation—which, according to historian Robert Sklar, “went over well with white audiences almost everywhere”—portrayed black men as, among other things, uncontrollable brutes bent on raping white women. In one scene, Flora Cameron—the embodiment of white southern womanhood—leapt to her death to avoid the advances of a brutish-looking black man. In another, a light-skinned black man made up to look particularly devious attempted to ravish the daughter of a northern Carpetbagger. When galloping Klansmen rescued a white woman from the clutches of rapacious black men in the film’s climactic scene, “every audience spontaneously applauds” reported the *New Republic.* Through this powerful new media, the movie showed millions of viewers that white women must be protected from black men’s sexual aggression. Widely publicized health studies reinforced the prejudice that black men were licentious. These studies reported that black Americans suffered comparatively high rates of venereal diseases, which they attributed to supposedly natural tendencies toward sexual immorality.

Even a northerner as progressive-minded and respectful of social difference as Jane Adams believed that, in the words of historian Ann Douglas, “black men, did, in fact, have a proclivity for raping white women.” This widespread belief caused northern whites to fear that black men would act on their sexual desire for white women if allowed to swim and sunbathe with them at municipal pools.

Racial segregation at mixed-gender pools also served as a means to inhibit interracial marriages and consensual relationships between black men and white women. With few exceptions, northern states did not pass laws forbidding interracial sex or interracial marriage. This did not mean, however, that northern whites consented to either. Most certainly did not. Rather than pass “antimiscegenation” laws, northerners relied on other means to keep black men and white women sexually apart. One was preventing them from interacting in social settings where they might get to know one another. Swimming pools were just such settings. The social contact that occurred at pools was sustained and interactive. Swimmers chatted with one another, struck up friendships, flirted, and arranged dates. By racially segregating these uniquely sociable public spaces, northern communities limited the op-
portunities blacks and whites had to meet and form relationships that might lead to physical intimacy or marriage.

In this way, racial segregation also restricted white women’s social and sexual choices by limiting their access to black men. Whether white women agreed with the policy or not—many surely did—it was nonetheless imposed upon them. Because white males determined that they did not want black men interacting with their wives, mothers, daughters, and sisters at municipal pools, male public officials and male swimmers imposed and enforced a social policy that kept them separate. While racial segregation also restricted white men’s access to black women, which some black commentators applauded, it was not a restriction that was imposed on them by another social group. Furthermore, as historian Kevin Mumford shows, northern white men had social and sexual access to black women through other means—namely prostitution and “black and tan” dance halls and speakeasies. Whereas white men could and did “slum” in black social settings to access black women, black men could not similarly cross racial boundaries to access white women.41

Finally, racial segregation at municipal pools also likely resulted from white concerns that black men displaying their bodies at highly visible public spaces would undermine white supremacy. During the early twentieth century, the male body became an increasingly important symbol of manliness. American men came to believe that a superior man possessed a muscular and powerful physique. This, in part, explains the weight-lifting craze around the turn of the century, the emulation of Bernarr MacFadden, and the phenomenal success of Charles Atlas’s mail-order body-building business during the 1920s and 1930s.42

The emphasis on physical markers of manliness, however, posed problems for white Americans’ assertion of racial superiority. As Gail Bederman explores in *Manliness and Civilization*, white Americans justified racial discrimination and their own assumed racial superiority in part by pointing to the superior manliness of white men. When manliness was defined in economic, political, and moral terms—as it was by the middle class during the nineteenth century—white men’s claim to superior manliness in relation to black men seemed secure.43 When it became defined more in physical terms, as it did during the early decades of the twentieth century, white men’s claim to superiority became more tenuous. After all, most black men worked at strenuous physical jobs that, in many cases, contributed to powerful, muscular physiques. Many white men, on the other hand, worked at sedentary white-collar jobs that did not strengthen the body. In most public settings,
the physical shortcomings of some white men in comparison to some black men would not have been apparent because all were fully clothed. At the swimming pools of the interwar years, however, men exposed their bodies to the public. If blacks and whites were permitted to swim and sunbathe together at these pools, some black men could literally show themselves to be the masculine equal and in many cases superior of white men. The visual comparison would implicitly undermine one of the long-standing justifications for white supremacy. In short, it would challenge racial hierarchy as it was constructed in America at the time, much like Jack Johnson's victory over Jim Jeffries did in the 1910 heavyweight title bout. One of the ways to defend the ramparts of white supremacy was to keep mostly naked black men from appearing alongside mostly naked white men at municipal swimming pools. Few, if any, public officials or white swimmers consciously reasoned all this out in their minds. Rather, they would have intuitively that black men conspicuously displaying powerful physiques in front of thousands of people at local pools was objectionable.

Pittsburgh was not unique in that white swimmers imposed and enforced racial segregation through violence. The same was true in other northern cities as well, such as Elizabeth, New Jersey. When the city opened its first pool in 1930, city officials refused to admit black residents, even though blacks and whites had bathed together at the city's river bath. Unaccustomed to such blatant public forms of discrimination, local NAACP officials protested black residents' exclusion from Dowd Pool. They met with Elizabeth's Recreation Commission just days after the pool opened in order to resolve what the commission called "the bathing problem for the colored people." After a long discussion, commission president James O'Neill informed the Colored Delegation that the Supt. will be given full instructions in the morning to allow the colored people the use of the swimming pool at all times." City officials obviously did not want blacks to swim in Dowd Pool with whites, but they would not brazenly violate New Jersey's civil rights law, which prohibited racial discrimination at public facilities.25

The integration order marked the end of official racial exclusion at Dowd Pool and the beginning of harassment and violence. Two days later, three teenagers tested the new policy. Allen Chase approached the ticket booth alone at about three o'clock but was arrested for disorderly conduct before passing through the gate. The admission attendant claimed that Chase had refused to pay the standard ten-cent admission fee and threatened to beat him up if not admitted for free. Chase vehemently denied the accusation.
claiming that he merely inquired whether it was true that blacks would be admitted to the pool and then intended to run home and get his swimming suit. The police officer stationed at the pool arrested him nonetheless.  

An hour later, Morgan Dickinson and Walter Gordon paid their ten cents, showered, but never made it into the water. Another attendant, Thomas Keating, stopped the two teenagers as they exited the locker room and admonished them for not taking a shower. While Dickinson and Gordon were assuring Keating that they had in fact showered, a group of white swimmers appeared atop the staircase leading up to the pool and threatened to pummel the two teenagers if they attempted to enter the water. Sensing trouble, Patrolman Newallis, the same officer that had arrested Chase, “advised the colored youths not to make use of the pool.” Undeterred, the young men
cited the recreation commission ruling giving them equal access to the pool and then returned to the locker room to shower again. When they finally ascended the stairway, Dickinson and Gordon encountered dozens of “menacing swimmers” standing shoulder-to-shoulder blocking their access to the pool. According to the *Elizabeth Daily Journal*, they were then “somewhat roughly handled by the crowd.” Dickinson and Gordon finally managed to escape after fourteen more police officers arrived to restore order. The officers arrested one of the white assailants, thirty-four-year-old Michael Capko, and charged him with inciting to riot. The next morning, Allen Chase and Capko were both arraigned in Police Court. Chase was fined ten dollars for allegedly threatening the pool attendant, and Capko five dollars for leading the assault on Dickinson and Gordon. The message to black residents was clear: if you try to swim in Dowd Pool, you will be arrested on trumped-up charges or pummeled by white swimmers. Both forms of intimidation effectively deterred black residents from using the pool for several years.

Then, on July 6, 1938, several young men approached Dowd Pool, paid their admission, showered, and actually entered the water. They were the first identifiably black people to swim in Dowd Pool, eight years after it opened. It is not clear what prompted the young men to seek entry after so many years of whites-only use. Their presence in the pool did not go unnoticed. According to a recreation department official, they were “subjected to certain petty annoyances at the hands of white bathers.” The white swimmers “ducked” the youths by holding them underwater, shouted threats at them, and poured buckets of water into the lockers where they had left their clothes. The young men left the pool wet, bruised, and perhaps even short of breath. And yet this time, they would return.

Over the next two weeks, ordinary black citizens—many of them teenagers and children—courageously integrated Dowd Pool. Knowing that they would be assaulted and perhaps arrested, they nonetheless returned to the pool day after day. Every black swimmer that entered the water quite literally risked his or her life. Swimming pools were inherently dangerous places even under ideal circumstances. At Dowd Pool during the summer of 1938, black swimmers also had to contend with fellow swimmers dunking and punching them. Furthermore, the safety net for endangered swimmers, the lifeguards, offered no assistance. Despite the risks, more and more black swimmers came to the pool and endured the threats, assaults, and other “petty annoyances.” When white swimmers found that violence no longer intimidated blacks from using the pool, many stopped coming. White attendance plummeted to one-tenth its normal level. The dislocated white swimmers...
redirected their threats and vitriol at city officials. They sent scores of "abusive" letters to the mayor and Recreation Commission promising widespread racial violence if the city did not bar blacks from entering the pool. City officials responded in the press that they could not officially segregate the pool. They could, however, close it, which is what they did. The official explanation was that attendance had sunk so low that the pool was no longer economical to operate. The fact that most of the swimmers were now black probably made the decision easier.  

The pool remained closed for three weeks. "Feeling that [the] immediate danger of racial disturbances had passed," the city reopened it on August 10 as an experiment to see if an integrated pool would be sufficiently patronized to cover the operating expense. Attendance rebounded to half the normal number as some whites returned. They came back, however, not because they accepted integration but to reclaim the pool as their public space. Once again, they assaulted and harassed black swimmers in an attempt to reestablish de facto exclusion. In a letter to the city council, Recreation Commission Secretary E. T. Noren reported that "every day at the pool some minor outbreaks occurred which might have developed into serious trouble." Blacks and whites fought and quarreled in the water. Blacks were bombarded with tomatoes on their way to the pool. On one occasion, competing gangs of black and white youths threw rocks at one another near the pool entrance. The numerous police officers stationed at the pool, ostensibly to maintain order, did nothing to stop the rock fight. According to the local paper, they "kept watch" as the melee raged.  

Like the police officers, Elizabeth's recreation commissioners seemed ambivalent about the racial violence. They let the "minor outbreaks" continue for thirteen days before deciding to close the pool again—this time for the remainder of the summer. The racial conflict, however, seemed to play little role in their decision. As before, they closed the pool because it was losing money. The only concern the commissioners expressed about the violence was that it scared white swimmers away: "The decrease [in patronage] must be accounted for by the fact that the white users . . . refuse to use the pool if the colored patrons also use the pool, and because of the feeling on the part of parents of sending their children to the pool while the danger of potential race riots continue."  

City officials did not actively attempt to stop the racial violence, perhaps, because it served their interest. For eight years, the attacks on black swimmers had relieved them from having to resolve the thorny problem of mixed-race swimming at a gender-integrated pool. They avoided legal culpability by
correctly claiming that the city did not bar blacks from using the pool and yet, at the same time, avoided backlash from whites by giving them free reign to assault prospective black swimmers. This arrangement was convenient for the city, but it had fallen apart during the summer of 1938. While the recreation commissioners claimed that the pool reopening in early August was an experiment to see if the city could operate Dowd Pool profitably on a truly integrated basis, it might also have been an experiment to see if a couple weeks of sustained violence might again intimidate blacks from using the pool.

When Dowd Pool opened for the 1939 swimming season, the social use had, apparently, returned to whites only. The evidence to support this conclusion is circumstantial yet compelling. Whereas the racial conflicts the previous summer were widely reported in the local newspaper and commented upon regularly in city council meetings, no mention of racial issues at the pool appeared in either of these sources. Perhaps most convincing, the attendance at Dowd Pool returned to the level of pre-1938 summers. During its first eight years of whites-only operation, attendance averaged around 70,000 swims per summer. During the brief periods of truly integrated swimming, it dropped to between one-quarter and one-half normal use. In 1939, however, total attendance rebounded to 63,612. Either white people in Elizabeth suddenly overcame their racial prejudices, stopped abusing black swimmers, and willingly swam in the same pool with them, or, more likely, the city's black population decided that a swim in Dowd Pool was not worth the threat to their safety.

In some northern cities, especially large metropolises, public officials unofficially—but purposefully—segregated their municipal pools by locating one or two pools within black neighborhoods and the rest in white neighborhoods. This strategy succeeded, in large part, because the social geography of most large northern cities had become more rigidly divided along racial lines and because of increasing antagonism between blacks and working-class whites. Prior to the Great Black Migration, black settlement patterns were similar to those of ethnic whites. Immigrants and blacks typically lived in small clusters interspersed throughout the central city. After 1916, however, black residents of northern cities increasingly became concentrated into one or two clearly defined neighborhoods. In Cleveland, for example, historian Kenneth Kusmer found that by 1930 “at least 90 percent of the city’s Afro-Americans lived within a region bounded by Euclid Avenue on the north, East 105th Street on the east, and Woodland Avenue to the south.” Furthermore, the population within this area was predominately black. The same concentration occurred elsewhere. Chicago's South Side, New York’s

Onset of Racial Discrimination 139
Harlem, and Detroit’s Paradise Valley all emerged as distinct black “ghettos” during this period.\textsuperscript{57}

This residential segregation helped cities separate black swimmers from white without officially segregating their pools. Recreation officials in Cincinnati, for example, purposefully located two of the city’s eight pools “in districts where almost all the residents were colored,” and the other six pools away from African American neighborhoods. This spatial arrangement made it inconvenient and potentially threatening for black residents to swim at any but the two pools designated for their use. In New York, Parks Commissioner Robert Moses similarly encouraged racially segregated use by locating most of the city’s WPA pools within thoroughly white neighborhoods such as the Lower East Side, Greenpoint, and Red Hook. This ensured that if black New Yorkers attempted to swim in a pool intended for whites, they would have to trek through a white neighborhood to get to the pool and would be far outnumbered and more easily intimidated while in the water.\textsuperscript{58}

Swimming pools in Harlem, however, required more finesse because blacks, Puerto Ricans, and whites lived in relatively close proximity to one another. African Americans and Puerto Ricans, whom Moses also considered “colored people,” predominated, but many whites lived along Harlem’s southern boundary. Moses encouraged segregation at the two pools in this area through strategic location and devious administration. He located one pool within the heart of black Harlem at Colonial Park (106th Street) and the other further south in Thomas Jefferson Park (between 111th and 114th Streets). He earmarked the first pool for blacks and Puerto Ricans and the second for whites. To deter the African Americans and Puerto Ricans who lived in lower Harlem from using Thomas Jefferson Pool, Moses employed only white attendants and lifeguards and, according to Moses biographer Robert Caro, kept the water in Thomas Jefferson pool unheated, assuming that cold water bothered “colored” swimmers more than whites. Whether true or not, pool use did divide along racial lines, but most likely due to the threat of violence from white swimmers. As Caro writes, “one could go to [Jefferson Park Pool] on the hottest summer days, when the slums of Negro and Spanish Harlem a few blocks away sweltered in the heat, and not see a single non-Caucasian face. Negroes who lived only half a mile away, Puerto Ricans who lived three blocks away, would travel instead to Colonial Park, three miles away.”\textsuperscript{59}

De facto segregation, however, was inconsistent and unequal. Whites could and did swim at pools earmarked for blacks, but the reverse—as we have seen—frequently led to violence. In 1932, William Schultz, a superintendent

140 Onset of Racial Discrimination
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with the West Chicago Park Commissioners, reported to American City that "there are 15 swimming pools in the West Park system. Among these, two are used by both white and colored people. The others are used entirely by the white race. In the two pools first mentioned, the colored race predominates." Similarly, Detroit's commissioner of recreation, C. E. Brewer, noted in 1932 that "attendance is over 95 percent colored" at two pools located within the city's black belt, which meant that some of the swimmers were white. Mixed-race swimming clearly continued into the 1930s in some northern cities, but it occurred primarily at pools intended for African Americans or at pools that remained gender segregated.50

In the southern tier of northern cities, the story was much the same as in cities further north. Racial segregation and exclusion occurred at the same time for the same reasons. The only significant differences were

Onset of Racial Discrimination 141
Thomas Jefferson Pool, Harlem, New York, 1936. Even though many African Americans and Puerto Ricans lived close to Thomas Jefferson Pool, it was used almost exclusively by “whites.” New York City Parks Photo Archive, neg. M-47, 14774.

the means and consistency of separation. Whereas violence and pool location were the primary means used to separate black swimmers from white in Elizabeth, Pittsburgh, and New York, cities such as St. Louis, Washington, D.C., and Newton, Kansas, openly and officially segregated their pools along racial lines. In large cities, public officials relegated black swimmers to one or two Jim Crow pools. In smaller communities that operated only one pool, racial discrimination meant outright exclusion. One other difference between southern-tier and northern-tier cities was the response of black residents. Unlike in Elizabeth and Pittsburgh, blacks living in southern-tier cities generally did not aggressively protest racial segregation at municipal pools during the 1920s and 1930s. Instead, they demanded that the provision of pools for blacks and whites be equitable. In some cities it was, but in most it was not.

In the fall of 1925, Congressman Frederick Zühlman of Maryland intro-
duced a bill authorizing the construction of two giant outdoor swimming pools in the District of Columbia. The federal government administered the district at the time, so Congress was responsible for funding recreation facilities. The Zilhman pool bill passed in the House but was held up in the Senate by Lee Overman of North Carolina because its wording did not indicate whether the pools would be racially segregated. Overman was adamant that blacks and whites not be permitted to swim and sunbathe together at pools that would be open to men and women. The bill’s sponsor in the Senate, Royal Copeland of New York, assured him that district officials intended to operate the pools on a racially segregated basis, but Overman required more conclusive assurance. “I know the Senator from New York is all right; I have every confidence in him; but he will not have the authority to construct these pools and arrange for the bathing; that will be a matter which will be left to the Commissioners of the District of Columbia. There ought to be some language in the bill requiring that the pools be separate.” Senator Copeland consented to make explicit what had been understood. He amended the bill by adding the line, “one for the white race and the other for the colored race.” The amended bill passed the Senate and then returned to the House. When asked if he objected to the added phrase, the bill’s sponsor, Representative Zilhman, replied, “I cannot conceive of any objection.” The bill then passed the House and was signed by President Calvin Coolidge on May 5, 1926.61 With this bill, the two political branches of the federal government did not merely sanction racial segregation at public swimming pools but actually mandated it.62

Several prominent black Washingtonians publicly protested the bill’s amended language. Historian Carter G. Woodson stated that he “would rather bathe in Hell” than swim in a racially segregated pool. Nannie Burroughs, head of the National Wage Earners Association, quipped, “[w]hen I heard the bill was signed, I purchased a bath tub for my room so as to have no temptation to ever consider [using] the thing.”63 The leading African American newspaper in the city, the Washington Tribune, advised its readers to boycott the Jim Crow pool and swim instead at a supposedly integrated commercial pool that was scheduled to open that summer.64 The paper went on to claim, as way of protest, that the swimming pool bill was the first time since the Civil War—when Congress authorized four black regiments—that a bill passed by the federal government explicitly segregated American citizens by race.65

To the Tribune’s chagrin, most black Washingtonians did not condemn the Jim Crow pool. Rather, they vied to have it located near their homes. Ac-
according to the paper, individuals and neighborhood organizations began “a wild scramble to have the pool located here, there or elsewhere—preferably near ‘our home district.’” The paper castigated local blacks for accepting segregation and implicitly blamed recent migrants from the South for not leaving their acquiescent habits of mind behind: “Had the Negro race the guts of the ordinary man, they would not care a whoop in h—where the insulting institution was located since a proper spirit of manhood and womanhood would forbid our noticing the existence of such excrescences of southern prejudice. The handkerchief clings tightly to most of our heads yet and apparently will stay there for some time to come.”66 Most black Washingtonians did not share the paper’s acute sensitivity to segregation. They were more concerned with having convenient access to some public recreation facilities than with having equal access to all facilities.

White Washingtonians also voiced opinions as to where the blacks-only pool should be located. The district’s Commission of Fine Arts, whose responsibility it was to choose the location, initially selected Anacostia Park, in the district’s far eastern corner. Local white residents, who constituted a majority in Anacostia, “vigorously” opposed the choice, complaining that the pool would be “far removed from the center of population of those who might wish to use it.” As the quote suggests, their concern related to the district’s social geography. At the time, less than 10 percent of the district’s total black population (11,838 out of 132,068) lived in Anacostia. By contrast, 36 percent of black Washingtonians (47,578) lived just north of downtown.67 Several Anacostia citizen groups wondered why this area of more concentrated black settlement was not chosen as the site for the blacks-only pool. The Anacostia location, they complained, would set Washington’s black population in motion, crisscrossing the District on their way to and from the enormous pool.68

In response to the public outcry, the Commission of Fine Arts reconceived the whole pool plan. Rather than build one giant pool for whites and another for blacks, the commission decided to build two medium-size pools for each, located in “closer proximity to the various centers of population.” This “distributed system of bathing pools” would appease more of the people who wanted a pool near their homes and would encourage swimmers to stay within their own neighborhoods.69

The first pool for black swimmers opened in 1928 at 24th and N Streets, just across the Potomac Parkway from Georgetown on property adjoining Francis Junior High School.70 It was a state-of-the-art outdoor facility containing two pools, broad concrete decks, and modern sanitation equipment.
The main tank measured 65 by 150 feet and ranged in depth from 3 1/2 to 11 feet. According to James G. Tyson, one of the pool’s first lifeguards and later its manager, it was one of the finest pools in the country “exclusively for black swimmers.” The same social integration that occurred generally at municipal pools during this period also occurred at Francis Pool. It was gender integrated, attracted a large number of adults, and was frequented by all levels of black society. Scattered evidence also suggests that the culture and patterns of use at Francis Pool were the same as at the resort pools frequented by whites. In a brief history of the pool written in 1939, Tyson mentioned that the pool competed for patrons with “the beaches near Washington,” which suggests that it served a similar function. Attendance figures indicate that Frances Pool was also a popular place for people watching. In 1932, for example, “spectators” accounted for nearly 10 percent of the total admissions. Like other swimming pools of the period, Francis Pool seems to have functioned as a leisure resort.

The district’s second blacks-only pool—Banneker Pool—opened in 1934. It was located on Georgia Avenue near Howard University. Whereas the Tribune ignored the opening of Francis Pool out of protest, it reported positively on the opening of this pool, noting that “a grand and glorious time was had by all.” Rather than advising readers to boycott Banneker Pool, it praised the facility in a front-page article as “one of the most elaborate [recreation] centers in the city.” The paper also published photos of happy swimmers playing in the water. The paper may have softened its stance on pool segregation by 1934 because the district’s provision of pools for blacks and whites was relatively equal. Francis and Banneker pools were virtually identical to the two new outdoor pools opened for white residents. And, one of the district’s three playground pools was earmarked for black children. Given that blacks constituted 27 percent of the district’s population in 1930, this provision may have seemed fair.

Black Washingtonians did protest, however, when the provision of pools seemed unfair and inequitable. As the city’s black population increased during the interwar years, black families moved into neighborhoods that had previously been inhabited mostly by whites. As these neighborhoods transitioned from being predominately white to predominately black, the new black majority often protested its exclusion from recreation facilities in the area. Such a dispute arose in 1940 at the Parkview playground and swimming pool. The surrounding neighborhood had become populated mostly by blacks, but the playground and pool remained earmarked for whites. Black children defied the whites-only policy by venturing onto the playground to

Onset of Racial Discrimination 145
use the slides and swings, but they did not enter the pool because attendants could better regulate access to it. During the midst of the grass-roots protest, district officials closed the pool until they could decide what to do. Eventually, they transferred use of the playground to black children but did not reopen the pool. The decision to close the pool permanently rather than make it available to black swimmers foreshadowed the district’s increasingly unequal provision of pools during the 1940s.

Unlike large cities, smaller communities could rarely afford to build separate pools for black residents. They either had to permit them to swim with whites, set aside separate days, or exclude them entirely. Most one-pool towns, especially those in the southern tier of northern states, chose exclusion, even though doing so clearly violated state civil rights laws and the Supreme Court’s “separate but equal” interpretation of the Fourteenth Amendment. And yet, few African Americans filed suit challenging their exclusion from municipal pools during this period. The reasons, most likely, were the cost and potential consequences of such action for black plaintiffs. Lawsuits were expensive and time-consuming. Few small-town black communities, let alone individuals, had the financial resources necessary, especially during the Great Depression, to engage in a lengthy legal battle. Furthermore, blacks were in a vulnerable position in most small communities. They risked a range of reprisals—from losing already scarce jobs to physical intimidation—if they sued their city. Also, the national NAACP did not prioritize fighting discrimination at recreation facilities during this period. It devoted its limited resources to fight discrimination in education and employment as well as to lobby for a federal antilynching bill. As a result, racial exclusion at municipal pools went almost unchallenged in the courts prior to the 1940s, except in Newton, Kansas.

During the 1930s, Newton was a small railroad town in the middle of the state that also served as a marketplace for surrounding wheat farms. The population was quite homogeneous. Eighty-seven percent of its 11,034 residents in 1930 were native-born whites; foreign-born whites and blacks each constituted about 5 percent of the population. Despite its small size, Newton’s black community had a long history and maintained several civic and religious institutions. Blacks were among Newton’s earliest settlers. Black “exodusters” from Mississippi, Louisiana, and Tennessee arrived during the late 1870s seeking the fruits of emancipation: security, freedom, and opportunity. By the 1930s Newton’s black community had realized some of these goals. It had established an NAACP chapter, a fraternal lodge, and at least
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three churches. A full 90 percent of black adults could read and write. Of the city’s 518 black residents in 1930, 149 were adult males, 151 adult females, and 218 were children under twenty-one.82 Although the black community was stable, educated, and family-oriented, race proved too significant a social division to permit blacks and whites to swim together.

Newton officials devised a strategy to circumvent Kansas’s civil rights law before they began constructing the town’s first pool. Shortly after town residents approved a $30,000 swimming pool bond in 1934, Samuel Ridley, president of the local NAACP chapter, asked Mayor McCulley Ashlock and City Commissioner Walter Trousdale to build two pools, one for whites and the other for blacks. Ridley explained that black residents were not “desirous of going into a swimming pool with other groups,” just as he assumed whites did not want to swim with blacks. Ashlock and Trousdale no doubt concurred but replied that the town could not afford to build two pools. Trousdale also informed Ridley that the city intended to lease the pool to a private operator who would determine the admission policy. Wary of this arrangement, pastors from three local African American churches attended two city commissioner meetings to ascertain whether the city intended to guarantee black citizens equal access to the quasi-public pool. At both meetings, the commissioners refused to acknowledge the three men let alone address their concerns, blatant rebuffs that served as a harbinger of what would occur at the pool.83

After Athletic Park Pool was built, the city leased it to a local citizen named Harold Hunt, who opened it to the “public” on May 29, 1935. Many black residents sought admission that first summer, but in each case Hunt refused to let them enter. He bluntly told them that they could not swim in the pool because of their “racial identity.”84 Late in the summer, Ridley wrote to Ashlock and Trousdale protesting the racial exclusion and threatening legal action if the policy continued. He reiterated his earlier claim that blacks in Newton did not particularly want to swim with whites but stated that they would do so in order to secure their constitutional rights. Ridley received no response.85 When Athletic Park Pool reopened the following summer, Ridley tested the admission policy by sending several black men to seek entry. Again, Hunt informed them that “colored people would not be permitted to swim under any conditions.” As promised, Ridley quickly filed suit on behalf of one of the swimmers, D. E. Kern, in Kansas State Supreme Court through Topeka civil rights attorney Elisha Scott.86

In his pleadings and oral arguments, Scott presented a straightforward case of unlawful racial discrimination. He showed that black residents of

Onset of Racial Discrimination
Newton helped pay for the pool through taxes, and then claimed that Hunt, with the blessing of city officials, denied all black persons use of it. Furthermore, the city failed to provide an alternative pool for their use. Scott emphasized that this case involved systematic racial exclusion, not segregation. He concluded that the actions of Hunt and Newton city officials clearly violated the state’s civil rights law—which guaranteed citizens, regardless of race, equal access to public facilities—and the Fourteenth Amendment of the Constitution. Scott sought a court order “commanding defendants to admit plaintiff and other citizens of Newton of African descent and color to the privileges of the swimming pool.”

The defense’s case was considerably more complicated. The city and Hunt conducted separate defenses, because city officials claimed that the lessee was solely responsible for the administration of the pool. If any discrimination occurred, they argued, Hunt was acting as a private citizen not as an agent of the city. With the exception of this point, however, both defendants made the same subsequent arguments. Neither denied that black swimmers had been systematically denied access to the pool. In fact, Hunt’s lawyer did his best to explain to the court why complete racial exclusion was necessary. Blacks could never be permitted to enter the water, he explained, because the Newton pool “is what is known as a circulatory type of pool,” which meant “the water is only changed once during the swimming season.” This was an important point because it explained why Hunt could not set aside separate hours or days for black swimmers. White patrons did not simply object to swimming with blacks; they feared coming into contact with water that had ever touched black skin. According to Hunt’s lawyer, the only way white residents would swim in a pool after blacks was if the water was drained and the tank scrubbed. Since this happened only at the end of the summer, Hunt would lose white patrons for the whole swimming season if he ever allowed a black person to use the pool. “[If] colored persons were permitted to swim in said pool,” Hunt’s attorney explained, “then the members of the white race would not.”

Rather than deny the charge of discrimination, lawyers for Hunt and the city attacked the plaintiff’s case on technical grounds. They argued that Kern did not have the legal right to sue the city on behalf of anyone but himself. He could not, in other words, sue on behalf of the entire black community. The relevant question of fact therefore was not whether black people in general were excluded from swimming in the pool, but whether Kern in particular had been denied admission. Predictably, the defense claimed that Kern never presented himself for admission to the pool, which meant he had no basis
for a complaint. Thus, while the defense admitted that Hunt denied all black people admission to the pool, it denied that he had violated D. E. Kern’s constitutional or civil rights.90

After both sides presented oral arguments on April 5, 1937, lawyers for the city delayed the court’s ruling through a series of deceptions and legal maneuvers. First, they asked the court to give the city time to settle the dispute with Kern before rendering its decision. The court agreed and stopped considering the case “until the matter [of settlement] had been considerably examined.”91 As would become clear later, the city had no intention of settling the matter; it simply wanted to delay the court’s decision long enough for another summer of segregated swimming to pass. Next, the Newton City Commission authorized construction of a second swimming pool, “for colored people,” and quickly forwarded the resolution to the court in hopes that it would bolster the city’s defense. Whereas racial exclusion was clearly unlawful, the Kansas Supreme Court could easily countenance segregation based upon earlier U.S. Supreme Court rulings that upheld the doctrine of separate but equal. Back in Newton, the second-pool resolution seemed to give black residents what they wanted—a swimming pool for their own use. But Thurgood Marshall, whom Ridley had asked to consult on the case, quickly saw the catch.92 The resolution mandated only that the new pool be built “as soon as funds are available.” Marshall warned Ridley that “as soon as” would be a long time in coming.93

In response to the city’s delays and deception, Ridley became more militant. “The Executive Committee of the Newton Branch is opposed to any kind of compromise in said case,” he wrote to Marshall in 1937.94 Black leaders no longer wanted a segregated swimming pool; they were determined to see the court open Athletic Park Pool to all swimmers. With this uncompromising position, black leaders in Newton, Kansas, legally challenged segregation head-on and, in doing so, leapt ahead of national protest strategies at the time, which focused on enforcing the “equal” mandate of the Supreme Court’s 1896 Plessy v. Ferguson ruling.95

After Ridley put an end to the settlement talks canard, the city found yet another way to delay the court’s decision. It filed a “motion to quash alternative writ” that asked the court to rule on a narrow point of law and then dismiss the case without considering the substantive issue of whether black citizens should have equal access to the pool. The point in question was the city’s earlier argument that Kern did not possess the “legal capacity” as a private individual to sue on behalf of a community of people. In a ruling issued in January 1938, the court agreed with the city that Kern could only sue on...
his own behalf but refused to dismiss the case. “[W]e are not prepared to say that plaintiff can maintain this action on behalf of the group for which he
pleads. But we think it clear that in the interests of justice and equity plaintiff
is entitled to maintain the action in his own behalf.” This preliminary rul-
ing dramatically circumscribed the scope of the case. As defense lawyers had
originally hoped, the pertinent legal question became whether Kern him-
self had been denied admission to the pool, not whether Hunt barred black
people in general.

The court finally ruled on the merits of the case on April 6, 1940, nearly
five years after Ridley initiated the suit. The court found that the city could
not escape responsibility for the lawful administration of the pool by leasing
it to a private individual. Newton city officials were therefore liable for any
violation of the law perpetrated by Hunt. Though meaningless for Kern and
Ridley, this precedent became important in future swimming pool discrimi-
nation cases. Finally, the court ruled on the central question of whether Hunt
and the city had violated state law or Kern’s constitutional rights by refusing
him admission to Athletic Park Pool. The court’s answer was no. It ruled that
Kern did not sufficiently prove that he had ever “presented himself at the
pool and demanded to be admitted to it.” Therefore, he had no basis for a
complaint.

This ruling effectively settled the case, but the court did not stop there. It
went on to articulate a general legal basis for denying black Americans access
to public pools. It ruled that pool operators and public officials had “wide
discretion” to deny individuals access to municipal pools. This legal right
to discriminate, the judges indicated, was particular to the administration
of swimming pools because they were such intimate public spaces. “It is a
peculiar situation [at a swimming pool] since more or less informality is the
rule at such places. Mothers come there with small children and use the place
as a playground. On this account there is a wide discretion vested in those in
charge of such pools as to whether persons of a quarrelsome disposition or
big boys known to be bullies or men or women known to be of immoral char-
acter generally should be admitted. This is true regardless of the color or race
of the person excluded.” When coupled with the court’s earlier finding that
an individual could not sue on behalf of a group of people, this reasoning pro-
vided cities throughout the state the legal fencing necessary to bar all blacks
from entering municipal pools. A person could only sue based upon his or
her individual exclusion, yet city officials had considerable legal leeway to bar
“undesirable” individuals from swimming pools. If a black person ever sued
a city for denying him or her access, city officials could simply argue that this

150 Onset of Racial Discrimination
particular person was turned away for being quarrelsome or immoral. The fact that all other black people were similarly barred from the pool was, in the eyes of the court, immaterial.

Ridley was thoroughly disillusioned by the time the court issued its ruling. He wrote to Marshall in April 1940 asking whether the Newton branch should appeal the decision or send a well-known and undeniably respectable black resident to the pool, this time with ample witnesses, and then file another suit. The letter, however, revealed Ridley’s deeply felt frustration. In a thinly veiled plea for help from the national office, he concluded the letter, “I have been fighting said case almost alone since 1936 with my personal funds. Will appreciate any advice you can give us.” Whatever advice Marshall offered, Ridley neither appealed the Kern decision nor initiated a new lawsuit. His five-year odyssey had obviously shaken his confidence in the fairness of the courts. As a result, the only municipal pool in Newton remained for whites only.

The Newton case highlights another primary cause of racial discrimination at swimming pools in the North. Many whites objected to swimming with blacks because they perceived them as unclean and likely to be infected with communicable diseases. According to his lawyers, Hunt had to exclude black swimmers from Athletic Park Pool because white patrons feared coming into contact with water that had touched black skin. This same concern pervaded the thinking of whites in other northern communities as well. A Marion, Indiana, woman explained that white residents of that city would not swim with “colored people,” because they viewed them as “dirty” and “didn’t want to be polluted by their ‘blackness.’” Similarly, the managers of Shady Grove Park, an amusement complex near Pittsburgh, permitted all classes of white patrons to swim in its pool during the early 1930s but excluded blacks, even though they had equal access to the park’s other facilities. Black patrons could, however, swim in the pool “after the season for whites had closed” in early September. The manager explained that this arrangement gave the maintenance crew “sufficient time to properly clean and disinfect it after the Negroes have used it.” White patrons would only swim in the pool after blacks if the water was drained and the entire basin scrubbed with a disinfectant. As there was not enough time to do this during the busy summer season, black swimmers had to wait until the fall.

Cleanliness and health concerns based on social prejudices were not new in the 1920s and 1930s. Previously, however, such concerns were based on class prejudices. Middle-class Americans avoided swimming with the working classes—both black and white—because they viewed them en masse as dirty

Onset of Racial Discrimination 151
and likely to be infected by a communicable disease. By the 1920s and 1930s, however, these class-based prejudices had given way to more thoroughly race-based prejudices. Several factors contributed to this change. During the mid- to late 1910s, doctors and public health officials published several studies showing significantly higher rates of infectious diseases among blacks than whites. Some of these studies offered explicitly racial explanations to account for the difference. They concluded that blacks suffered disproportionately from tuberculosis and syphilis because of biological predisposition and "lower standards of morality." These widely reported studies began to uncouple the popular association of communicable diseases with social class and link it with race instead. At the same time, a large black underclass appeared in northern cities. Most of the 1.5 million southern blacks who migrated to the North between 1915 and 1930 settled in overcrowded and unsanitary slums. The combination of their southern ways, low-level industrial occupations, and dilapidated homes stigmatized the migrants as "dirty, crude, and generally unpleasant," according to historian James Grossman.

The Chicago Commission on Race Relations found that even working-class whites, many of them immigrants, objected to the migrants because of their "soiled and ill-smelling clothes." Because of the migration and the simultaneous drop in European immigration, black Americans quickly became the most conspicuous poor in northern cities, and race became perceived as the most meaningful social signifier of dirtiness. As a result, the sanitation and health concerns that divided Progressive Era swimmers along class lines now convinced all classes of northern whites that they should avoid swimming with blacks.

Intertwined with the racial violence and discrimination that occurred at municipal pools during the interwar years were acts of resistance. Black swimmers in Elizabeth, New Jersey, returned day after day to Dowd Pool during the summer of 1938 despite the threats and assaults. Black voters in Pittsburgh switched long-standing political allegiances to protest the city’s sanctioning of discrimination and violence at Highland Park Pool. Samuel Ridley battled Newton, Kansas, in court for five years in an attempt to secure black citizens a place to swim. These examples testify to the social, political, and legal ways in which black Americans resisted the onset of racial segregation and exclusion at municipal swimming pools during the 1920s and 1930s.

Despite their courageous and sometimes perilous efforts, black Americans invariably lost these early civil rights struggles. By the end of the 1930s, com-
munities throughout the North had successfully separated black swimmers from white at municipal pools. The protests over pool discrimination failed, in large part, because the government institutions responsible for protecting the civil and legal rights of citizens conspired to deprive black Americans of those rights. Social protests failed to integrate pools because police officers did not protect black swimmers or arrest the assailants. Rather, officers often encouraged the beatings and then arrested the victims. Political protests of the sort orchestrated by black leaders in Pittsburgh were ineffective because of black residents' numerical minority in northern cities and the pervasive racial prejudice among whites. As minority swing voters, blacks possessed limited political power. They might tip local elections to one candidate or another and thus sway municipal policy slightly. But, they did not have sufficient numbers to convince municipal officials to adopt policies offensive to the white majority. Neither Mayor Kline nor Mayor McNair would risk alienating white voters en masse by enforcing integrated use of Highland Park Pool. The courts proved no more responsive to legal arguments during this period than white swimmers and politicians did to social and political protests. The few judges faced with deciding pool discrimination cases during the 1920s and 1930s relied on legal technicalities and conjured tenuous legal logic in order to protect racial segregation and exclusion.

Despite early defeats in swimming pool cases, civil rights leaders in the North trusted that legal protest afforded black Americans the best chance to end racial discrimination at municipal pools. After 1945 more and more NAACP chapters sued their cities and towns over pool segregation and exclusion. Even before the United States Supreme Court effectively overturned the separate-but-equal doctrine in Brown v. Board of Education (1954), state and federal judges had already forced many cities to open their swimming pools to black citizens. Chapter 6 tells the story of this legal triumph and examines its paradoxical social consequences.