

Excerpt from Contested Waters: A Social History of Swimming Pools in America

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In 1959 the Washington Star surveyed the capital's public pools and noted the conspicuous absence of white swimmers. As in other cities, white Washingtonians had largely abandoned public pools after they were racially desegregated. The paper wondered where all the white swimmers had gone. Had they stopped swimming? T. Sutton Jett, a local recreation official, provided the answer. Whites had not stopped swimming, Jett told the Star; rather, they had switched to swimming in private pools. Jett estimated that 125 club pools had opened in the Washington, D.C., area since 1953, and dozens more were under construction. Private pools appealed to white swimmers, Jett surmised, because access could be restricted to "members and their guests." In this way, the abandonment of public pools and the proliferation of private pools were inextricably linked. White, middle-class Americans organized and joined club pools precisely because they did not want to swim in socially unrestricted waters, and the availability of private pools surely made the decision to stop using public pools easier.

Private club pools were mostly a suburban phenomenon. As millions of mostly white American families moved into suburbs following World War II, they found an inadequate supply of swimming pools.⁵⁵ A small number of country club pools existed in established suburbs, but new subdivisions obviously lacked existing pools. Some postwar suburbs, most famously Levittown, included swimming pools in the community plan, but most did not. So suburbanites took it upon themselves to build their own. Beginning in the early 1950s, neighbors joined together to form swimming pool associations. Three hundred to four hundred families pooled their resources in order to build a swim club. Depending on the size of the pool and the number of members, each family usually contributed between \$150 and \$200 for an ownership share, which covered the initial construction cost, and then paid yearly dues for upkeep and operating expenses. In 1958, 125 of these club pools were operating in the Washington, D.C., area with a combined membership of about 40,000 families. That same year, the Philadelphia Evening Bulletin reported that "swim-club pools have sprung up in every direction."

Swimming pools served a vital social function in the nation's burgeoning suburbs. These new communities lacked the social bonds that knit older communities together. Neighbors did not know one another, nor did they necessarily share the same ethnic or religious heritage. Furthermore, single family homes in sprawling suburbs best navigated in a car tended to isolate families from their neighbors. This spatial arrangement afforded residents desired privacy, but that privacy could turn into isolation. Swimming pools brought suburban families together. They were one of the few civic spaces where suburbanites could socialize and integrate themselves into the community. The Philadelphia Evening Bulletin commented in 1958 that joining a swim club served as "a means of becoming acquainted with neighbors, forming friendships among children and uniting a community in a common purpose. The community swim pool is an investment not only in money but in neighborhood cooperation, enjoyment and friendliness.

Club pools were vital social centers in America's postwar suburbs. Suburban communities could have chosen to fund public pools- which would have served the same social function at less cost and effort per family but most did not. In July 1954 Donald Hunt, chairman of the Montgomery County Council in

Maryland, noted that there was "no interest" in public pools, even though a dozen groups were organizing private swim clubs in the county at the time. Montgomery County did not open its first public pool until 1968.⁶¹ As late as 1974, Montgomery County and neighboring Prince George 's County operated a total of two public pools. By contrast, there were well over 100 club pools scattered throughout the two counties.⁶² The same was true in suburban Philadelphia. The Philadelphia Inquirer reported in 1964 that "private swim clubs are flourishing in all areas of suburban Philadelphia" but counted only one public pool in Delaware County.

Suburbanites organized private club pools rather than fund public pools because club pools enabled them to control the class and racial composition of swimmers, whereas public pools did not. As one critic commented in 1955, club pools were built "not for all persons regardless of race or creed, but for a group of affluent citizens." Class exclusion was achieved through residency requirements and membership fees. Many pool associations mandated that most or all members had to live within a certain distance of the club or within a particular subdivision. This limited the social makeup of the membership to the social makeup of the community. The typical \$200 membership fee and \$30 annual dues reinforced the residency requirement by restricting membership to families earning a middle class income. Finally, as one writer made clear, the tasks necessary to organize a private swim club were definitely white-collar work: "If you can, include [among the founding members] an engineer, a lawyer, a contractor, and architect and/or an accountant. The architect and engineer can work on site selection and planning. A lawyer can untangle zoning codes and create the non-profit body corporate. An accountant can keep the records." As a result of their social exclusivity, club pools redivided swimmers along class lines. Americans from different social classes once again swam and socialized at different pools.

The primary appeal of club pools, however, was the assurance of not having to swim with black Americans. Civil rights laws applied only to "public accommodations," so private pools could legally continue to exclude black swimmers even after the courts had forced cities to desegregate municipal pools. Many swim clubs, especially those located in suburbs accessible to black Americans, explicitly barred black families from joining. For example, swim clubs in Chevy Chase, Bethesda, and other suburbs close to Washington, D.C., passed bylaws when they first organized in the 1950s that limited membership to white persons. Other swim clubs relied on the racial exclusivity of their surrounding neighborhood to prevent black families from joining. One club in suburban Maryland passed a residency requirement in 1958 mandating that members live within three-fourths of a mile of the pool. So few blacks lived in the area that the club did not receive a membership application from a black family until 1968. When the first black family applied, the club rejected its application, and the membership quickly voted not to allow any black members. Since the club could no longer rely on residential segregation to protect the racial composition of its membership, it now needed an explicit policy. Noting the pervasive discrimination against black Americans at club pools, a Washington, D.C., judge lamented, "I suppose like many people I really didn't believe when the issue had to be faced that intelligent, well-educated, financially secure suburban middle-class people would effectively exclude a neighbor from a community [swimming pool] solely on the basis of race." In this case, he clearly misunderstood the suburban middle class.

It is also clear that racial desegregation deterred suburban communities from building public pools during the 1950s and 1960s. Again, Montgomery County offers a particularly revealing example. In May 1955 the county council authorized construction of two public swimming pools. Its rationale was that

moderate-income residents could not necessarily afford membership at a private club.⁷⁰ The council suddenly scrapped the two pools one month later, however, just days after a federal court ordered that public recreation facilities throughout Maryland be racially desegregated. A year earlier, a local citizen had asked rhetorically, "Is [approving club pools] to be the easy way for the County Council, other municipal bodies and civic associations to avoid the issue of public pools?" In many suburban communities, the answer was yes.

Racial exclusion at private pools came under attack during the mid-1960s, as black families moved into suburbs served by whites-only club pools. After breaking the residential color-barrier, black suburbanites sought to break the pool color-barrier as well. An early challenge occurred in 1965, after Paul Sullivan rented a house in a Fairfax County, Virginia, suburb to a black couple, Theodore and Laura Freeman. Freeman was an economist at the U.S. Department of Agriculture. Sullivan included a membership at the nearby Little Hunting Park Swim Club with the rental. After the Freemans registered at the pool, however the club's board of directors revoked their membership. Sullivan, who was also a member, protested, claiming that the board's decision was based solely on racial prejudice. He circulated a petition among the club's membership, made phone calls to the board members accusing them of bigotry, and wrote letters to local religious leaders-including the board president's pastor - claiming that the club had perpetrated a "real moral evil." Eventually, the board agreed to let the entire club vote whether to admit the Freemans. On July 29, hundreds of members crowded into a local elementary school gymnasium to decide the matter. The Freemans attended the meeting to show everyone that they were a likable, middle-class family. Even so, a majority of the club's membership refused to admit them. Most members did not want to swim with blacks no matter their class status and personal disposition.

Three years later, a similar dispute arose at another Washington-area pool. Dr. Harry Press, chief radiologist at Howard University, his wife Francella, and their two daughters had purchased a home in Wheaton, Maryland, a suburban community north of the capital. In the spring of 1968, the Presses applied for membership at the Wheaton-Haven Recreation Association, a swim club located a few blocks from their home. The board of directors summarily rejected their application.⁷⁴ Later that summer, a white couple who belonged to the same pool, Murray and Rosalind Tillman, brought Grace Rosner as their guest. Rosner's appearance created quite a stir. "It was such a terribly big scene," she later recalled. "There was this man shouting and carrying on. I was so mortified and so . . . angry. He was a member of the association board. He was obnoxious, but he never said 'nigger' or anything. He never even said anything to me directly, but he kept saying things like, 'she ain't coming in here.'" Even though the pool manager let Rosner into the pool, but the board of directors held an emergency meeting the next day to pass a more restrictive guest policy. Only relatives of members would henceforth be admitted as guests. Since no blacks were members, the new policy ensured they would not enter as guests either.

The Tillmans, the Presses, and Grace Rosner joined together and filed suit in federal court, claiming that the club violated both the 1866 Civil Rights Act and the more recent Civil Rights Act of 1964 by denying membership and guest privileges on the basis of race. The critical legal question was whether the Wheaton-Haven Recreation Association was, in the eyes of the court, a private club. Both civil rights laws applied only to public accommodations. The club claimed that it was a private organization, and

therefore its board of directors could refuse to admit anyone it pleased. The plaintiffs countered that the pool operated as a public facility-except when it came to admitting black members- and therefore should be legally treated as one. In siding with the swim club, the U.S. District Court for Maryland and the U.S. Court of Appeals for the Fourth Circuit both concluded that the association was a private club and dismissed the case. The courts justified the decision by pointing to the apparent fact that at least one white family had been denied membership. This was a critical point because it seemed to indicate that the pool was not simply a "public accommodation masquerading as a club" in order to "exclude persons of other races." The judges also emphasized the association's inherent class exclusivity to support their conclusion that the organization was private. "Some considerations of social and financial standing are implicit in the size of the fees and dues," which meant that there were "selective elements other than race alone."

The Tillmans, the Presses, and Rosner appealed the ruling to the U.S. Supreme Court, where they were joined in their fight by some powerful allies. The U.S. Department of Justice, the Maryland Commission on Human Relations, and Montgomery County all filed *amici curiae* (friend of the court) briefs urging the justices to apply civil rights laws to club pools. The participation of the federal, state, and local governments on behalf of the plaintiffs indicated how much the political tide had shifted by the late 1960s. Whereas public institutions had lined-up against black swimmers to prevent inter racial swimming in the 1930s and 1940s, they now fought to ensure equal access. In its unanimous ruling, the Supreme Court concluded that the pool was, as far as the law was concerned, a public accommodation and therefore subject to the Civil Rights Act of 1964. Membership was "open to every white resident" who lived within three-quarters mile of the pool, wrote Justice Blackmun, "there being no selective element other than race." The one white family denied membership, it was discovered, lived more than three-quarters of a mile from the club and was not admitted for that reason. In essence, the justices concluded that the primary reason this suburban community organized a private swim club rather than a public pool was so its residents could avoid swimming with black Americans.

Even though the Presses triumphed in court, they never joined the club. By the time the Supreme Court issued its ruling in 1973, they had installed a pool in their backyard. The family made a special event of "integrating" the residential pool by throwing the Tillmans' daughter into it fully clothed. The Presses, Tillmans, and Grace Rosner had all become friends during their collective fight against racial discrimination. When a local paper asked Rosner if she intended to swim at the Wheaton-Haven pool, she replied with a wry smile, "Sure, you bet I do."

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