



**CITY COUNCIL RESOLUTION: 23-0180R**  
**RACIAL EQUITY IMPACT STATEMENT**  
**INFORMATIONAL HEARING – SUMMER 2023**  
**BALTIMORE CITY POOL CLOSURES**

**TO:** The Honorable Nick Mosby, President, Baltimore City Council  
**FROM:** Dana Petersen Moore, Director, Office of Equity and Civil Rights  
**DATE:** 08/21/2023

**COMMITTEE**  
Public Safety and Government Operations

**RESOLUTION SUMMARY**

City Council Resolution 23-0180R was introduced for the purposes of inviting representatives from the Department of Recreation and Parks, Department of General Services, the Mayor’s Office of Infrastructure Development, the Office of the City Administrator, and any other relevant parties to: (1) report why Cherry Hill Splash Park, Lake Clifton Pool, and Patterson Park Pool have not yet opened for the 2023 season; (2) discuss the impact of these closures on City residents and the ability of the City to secure funding for future infrastructure improvements; and (3) discuss solutions to prevent future closures.

**RACIAL EQUITY STATEMENT**

While the closing of any city pool places a burden on surrounding communities, it is incumbent upon us to recognize that our Black and Brown children and families have endured a disproportionate share of city pool inadequacies for far too long. BCRP taking the steps to rectify the deferred maintenance, outdated systems, and making city pools accessible to all **will improve access to quality and safe recreational aquatic facilities for Black, Latine, and other residents of color in Baltimore City.** Baltimore City can transcend the historical inequalities that have plagued these community amenities. Such a commitment resonates not only with the principles of justice and fairness but also paves the way for a stronger, more cohesive, and vibrant city that truly values the well-being of all its residents.

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**Content Warning:** The document you are about to read is a Racial Equity Impact Statement (“REIS”), a careful and organized examination of how the topics discussed in City Council Resolution 23-0180R have impacted ethnic groups in Baltimore City. We hope that this assessment sparks a conversation that is brave, empathetic, thoughtful, and open-minded.

**Trigger Warning:** The following REIS touches on racism, segregation, otherness, and the general harm inflicted upon Black people and other communities of color. Some or all these issues may trigger a strong emotional response. The Office of Equity and Civil Rights encourages you to use this knowledge in the way that is most helpful to you.

<p><b>Analysis by:</b> Ty’lor Schnella, Legislative Liaison, Office of Equity and Civil Rights (Direct inquiries to <a href="mailto:Tylor.schnella@baltimorecity.gov">Tylor.schnella@baltimorecity.gov</a>)</p>
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**ANALYSIS**

*There may be omissions of relevant information related to these topics. We encourage you to dive further into research on your own or by using the footnotes as a starting point.*

**Historic Discrimination and Inequities in Public Swimming Pools**

According to social historian Jeff Wiltsie, as outlined in his book "Contested Waters: A Social History of Swimming Pools in America," a pattern emerged during the 19th and early 20th century in the northern United States where municipal authorities constructed numerous swimming pools within low-income neighborhoods predominantly inhabited by indigent, immigrant, and working-class White communities.<sup>1</sup> During the 19th and early 20th century, urban planners notably steered clear of constructing swimming pools in neighborhoods inhabited by Black residents. However, a dramatic shift occurred in the 1920s and 1930s where there was an unprecedented wave of pool construction.<sup>2</sup> Many of the newly constructed pools were larger than football fields and in-laid in palatial surroundings—plush lawns and concrete sundecks. Paradoxically, at the same time, local government administrators made decisions that would racially segregate pools in many municipalities across the United States, including but not limited to, Baltimore City.<sup>3</sup>

Black people were typically relegated, if a pool was provided at all, to a small pool that was not nearly as appealing as the large, outdoor resort pools that were provided for White people. For example, the 100 feet by 105 feet “Druid Hill Park Pool No. 2”, as it was originally known, was built in 1921 to meet the recreational and competitive swimming needs of Baltimore City’s sizeable population of Black city residents.<sup>4</sup> Despite being nearly half the size of the nearby, whites-only Pool No. 1, Pool No. 2 proved so popular that the crowds had to be admitted in shifts. Elsewhere in the city, six separate public pools were well-maintained but off-limits to Black city residents.<sup>5</sup>

Rev. Dr. Martin Luther King, Jr., summed up the toxicity of segregation in the following quote, “Segregation is the adultery of an illicit intercourse between injustice and immorality”.<sup>6</sup> Immigrants and people of color were frequently denied access to a variety of public facilities used by White people. Often, Black people were targeted as “non-desirables” in communities across the United States. They were excluded, discouraged and in many cases totally prohibited, “legally or extralegally” from using public amenities that included public swimming pools and beaches.<sup>7</sup> This occurred across the country.

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<sup>1</sup> Wiltse, J. (2014). The black–white swimming disparity in America: A deadly legacy of swimming pool discrimination. *Journal of Sport and Social Issues*, 38(4), 366-389.

<sup>2</sup> Ibid.

<sup>3</sup> Wiltsie, J. (2015). America’s swimming pools have a long, sad, racist history. Retrieved from [Washington Post](#).

<sup>4</sup> Schultz, J. (2013). Lest we forget: Public history and racial segregation in Baltimore's Druid Hill Park. In *Representing the sporting past in museums and halls of fame* (pp. 231-248). Routledge.

<sup>5</sup> Ibid.

<sup>6</sup> Ayres, A. (1993). *The wisdom of Martin Luther King, Jr.* New York: Plume Publishing.

<sup>7</sup> Scott, D. (2014). Race, ethnicity, and leisure services: Can we hope to escape the past? In M. Stodolska, K. Shinew, M.F. Floyd, & G.J. Walker (Eds.). *Race, Ethnicity, and Leisure: Perspectives on Research, Theory, and Practice* (37-50). Champaign, IL: Human Kinetics.



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**The Supreme Court Dives In**

Following the 1954 landmark *Brown v. Board of Education*, the U.S. Supreme Court decision integrating public schools, and the 1955 U.S. Supreme Court affirmation of Baltimore City pool desegregation in *Dawson v. Mayor and City Council of Baltimore*, there was a growing body of precedent that, in theory, demonstrated that state and municipal recreational facilities, including swimming pools, should operate on a desegregated basis.<sup>8</sup> In reality, swimming pools were never truly integrated. Although courts ordered desegregation of the pools, the effect was a transfer of use of public pools from White people to Black people as most White people fled to private neighborhood pools owned by White ‘civic or neighborhood’ groups.<sup>9</sup>

Reaction by municipalities to the integration of Baltimore’s public beaches and pools in the Dawson case was overwhelmingly negative. White swimmers fled desegregated public pools to private neighborhood pools or commercial recreational parks and facilities that remained segregated through the 1960s. In the South, post-*Brown* and *Dawson* Supreme Court decisions, many cities reacted to pool integration litigation by simply closing public swimming facilities rather than operating desegregated pools. Florida’s Attorney General declared, “The idea of children of mixed races in swimming pools is against the public attitude”.<sup>10</sup> Therefore, from the mid-1950s and throughout the 1960s following the Dawson case saw Black people move to litigate pool desegregation and the courts agreed that public pools should be desegregated. Unfortunately, legal victories often led to the unintended social consequence of public pool closings when cities were faced with court-ordered desegregation. The White power structure was not willing to submit to legal precedent and integrate public swimming facilities and instead chose to discontinue providing public pools rather than have the races intermingle in these intimate settings.<sup>11</sup>

Finally, in the 1971 case of *Palmer v. Thompson*, the U.S. Supreme Court directly addressed the issue after a protracted legal struggle over the closing of the municipal pools in Jackson, Mississippi. In 1962, the city of Jackson, Mississippi maintained public parks, a zoo, golf courses, other public facilities and five public swimming pools. The five public pools were operated on a racially segregated basis, four used by Whites only and one by Blacks only. Black plaintiffs brought an action in the United States District Court seeking a declaratory judgment that this government-enforced example of segregation violated both the Thirteenth and Fourteenth Amendments. The District Court found that state-enforced segregation did indeed deny equal protection of the laws and the Court of Appeals affirmed.<sup>12</sup> In response, the City of Jackson desegregated its public parks, auditoriums, golf courses, and the city zoo. The swimming pools were another matter. Rather than intermingle the races in the intimate setting of public pools, the city of Jackson decided to cease operation of the four public pools it owned and surrendered the lease on the fifth, denying all citizens the use of the pools. In response several Black citizens of Jackson filed a new action to force the

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<sup>8</sup> *Dawson v. Mayor of Baltimore*, 220 F.2d 386 (4th Cir. 1955) (per curiam). Retrieved from [Casetext](#).

<sup>9</sup> Banks, T. L. (2014). Civil rights and civil justice: 50 years later: Still drowning in segregation: Limits of law in post-civil rights America. *Law & Inequality: A Journal of Theory and Practice*. 32(3), 215-255.

<sup>10</sup> *Ibid*.

<sup>11</sup> *Ibid*.

<sup>12</sup> *Clark v. Thompson*, 206 F.Supp. 539 (SD Miss. 1962). 313 F.2d 637 (CA5), cert. denied, 375 U.S. 951 (1963).



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city to reopen the pools and operate them on a desegregated basis. The Federal District Court and 5th Circuit Court of Appeals held for the city and its contention that operating desegregated pools was justified due to the perceived threats of violence and because the pools could not be operated economically on a desegregated basis.<sup>13</sup>

The U.S. Supreme Court, in a divided 5-4 decision, affirmed the lower court's rulings and agreed the city of Jackson could discontinue operating public swimming facilities rather than integrate the pools. The majority agreed with the city that closing the pools based on hypothetical fears for public safety and potential economic losses did not constitute a violation of the Equal Protection Clause. The city's decision to shut down all public swimming facilities was a weakly disguised attempt to stall integration of the pools, but the court held Jackson did not have an affirmative duty to operate public pools and their closing denied both Black and White people equally.<sup>14</sup>

The long-term effects of the Supreme Court's lack of compulsion to recognize the right of maintaining public pools on the same footing as its other decisions involving schools, parks, other public facilities, and marriage, encouraged the decline of municipal pools and White flight to private swim clubs. Palmer led to fewer opportunities for Black parents to teach swimming to their children due to lack of access resulting from fewer facilities. Unfortunately, working class families in urban areas who should have been served by municipal pools were still the group most negatively impacted with limited access to swimming facilities.<sup>15</sup> The legacy of the civil rights era litigation championed in *Brown* was not extended to public pools in Palmer. The Supreme Court was not willing to acknowledge the discriminatory intent behind the closing of the public pools in Jackson, which resulted in diminished access for Black people to public pools for decades thereafter. Because the Supreme Court did not view pools as essential public facilities, the problem persists today.

### **Challenges to Sustaining Public Pools Across the Country**

While substantial strides have been taken in the past 50 years to mitigate inequitable, discriminatory, and segregatory practices surrounding public swimming pools, it is evident that challenges persist. The combined efforts of legal interventions, governmental oversight, and improved recreation planning have undeniably enhanced access to public swimming pools and opportunities for swimming education. However, there remains an undeniable imperative for more significant strides toward achieving true equity in this realm.

Of the myriad obstacles that continue to impede progress, the recurrent closure of existing swimming pools emerges as a poignant concern, particularly for communities of color. Pools that have historically catered to Black and Latino communities now grapple with a host of predicaments: waning attendance, deteriorating infrastructure, violations of health department regulations, and the compounding effect of municipal budget cuts that hamper operational capabilities and vital capital improvements (as noted by the

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<sup>13</sup> *Palmer v. Thompson*, 419 F.2d 1222 (5th Cir.1969).

<sup>14</sup> *Palmer v. Thompson*, 403 U.S. 217 (1971).

<sup>15</sup> Banks, T. L. (2014). Civil rights and civil justice: 50 years later: Still drowning in segregation: Limits of law in post-civil rights America. *Law & Inequality: A Journal of Theory and Practice*. 32(3), 215-255.



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Centers for Disease Control and Prevention in 2016).<sup>16</sup> In many instances, the question no longer revolves around the feasibility of constructing new pools; rather, it centers on how communities can optimize the utilization of existing pool facilities to meet the recreational aquatic needs of their constituents.

Furthermore, establishing a regimen of monitoring pool usage becomes an indispensable administrative practice in the pursuit of equity. With Baltimore City Recreation and Parks already engaged in such monitoring efforts, other municipalities can glean valuable insights from this practice. Monitoring not only serves as a mechanism to ensure fair and inclusive utilization but also functions as a catalyst for informed decisions regarding renovation and maintenance.

In the broader context, achieving comprehensive equity in public swimming pool access entails a multipronged approach. This encompasses targeted investments in pool maintenance and upgrades, community engagement initiatives to bolster attendance and involvement, partnerships with local organizations to support pool operations, and the cultivation of a renewed sense of pride and ownership within these communities. Importantly, these efforts must recognize the historical injustices that have created disparities and prioritize the empowerment of marginalized communities throughout the process.

**Baltimore City Pools – Beyond Repair**

Baltimore City is currently grappling with a staggering accumulation of 50 years' worth of deferred maintenance on its public pools. This situation has resulted in a multitude of challenges, as many of these pools now exhibit outdated and inefficient systems. The consequence of this is a cycle of exorbitant breakdown repairs and short-term fixes that strain the city's resources.

It is incumbent upon us to recognize that our Black and Brown children and families have endured a disproportionate share of these inadequacies for far too long. The persistent lack of investment in these vital recreational facilities has perpetuated a glaring disparity in access to essential resources. Continuing to ask these communities to accept subpar conditions is simply unjust and unsustainable.

Short-term fixes often provide only temporary relief. Such was the case with Patterson Park Pool, where an unfortunate incident occurred on May 5, 2023, leading to flooding of the pool house and subsequent loss of the pool motor. The city took immediate action by contracting Patriot Pools to address the issue. Repairs were executed on the main pool surface, including caulking and patching holes in the lining. Additionally, Fountain Craft installed a new 25 horsepower pool pump to ensure proper operation.

However, challenges persisted. On June 27, 2023, Patterson Park Pool faced another flooding episode due to leaks in the pump room stemming from both the main pool and rainwater. Once more, the city enlisted contractors to remove more than 1,200 gallons of floodwater from the pump room and perform hydro-blasting on the wastewater drain. Unfortunately, the newly installed pool pump from May suffered damage, necessitating Fountain Craft to establish a protective tent around the pump for a two-day drying process.

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<sup>16</sup> Centers for Disease Control and Prevention (2016). Thousands of public pools, hot tubs closed due to serious violations. Retrieved from <https://www.cdc.gov/media/releases/2016/p0519-public-pools.html>.





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Only after the motor was thoroughly dried and assessed did the pump regain operation, briefly running over the weekend.

The situation repeated itself on July 8, 2023, marking the third instance of flooding at Patterson Park Pool. Consequently, the decision was made to close the pool for the remainder of the 2023 pool season. The financial toll of these efforts was substantial, with the city expending over \$100,000 in attempts to maintain the operational status of Patterson Park Pool throughout the season.

Amid these challenges, it's important to note that these extensive endeavors were pursued while other communities experienced the disappointment of their pools remaining unopened for the entire 2023 season. BCRP is collaborating with consultants to stabilize the pool site, ensuring more enduring solutions moving forward. This commitment to both rectifying the issues at Patterson Park Pool and addressing disparities in access to pool facilities highlights BCRP's dedication to the well-being and enjoyment of all communities within Baltimore City.

**Baltimore City Rec & Parks – An Equitable Future Forward**

As of August 21, 2023, 77,000 people have made their way to city pools, marking a successful 2023 pool season. Even during the fall and winter months, Baltimore City Recreation & Parks (BCRP) held 8 lifeguard training sessions, resulting in the addition of 92 new lifeguards. In a similar vein, the city hosted 7 teen pool parties, drawing participation from approximately 2,300 young people.

These accomplishments stand as a testament to the remarkable capability of BCRP and its partner agencies to cultivate enriching experiences for city residents, especially the youth, despite challenges. The unwavering commitment to providing accessible and engaging recreational opportunities exemplifies the resilience and adaptability of our city in the face of adversity.

The significant number of visitors to city pools throughout the 2023 season underscores the positive impact of these initiatives on the community. By fostering a safe and enjoyable environment, BCRP and its partners contribute to the physical well-being, social connectivity, and overall quality of life for Baltimore residents. The substantial effort put into training new lifeguards not only ensures the safety of pool-goers but also created valuable job opportunities for young people within the community.

The success of the teen pool parties highlights the ability of the city to tailor events that resonate with the interests of young people. These gatherings not only offer recreational outlets but also nurture a sense of belonging and engagement among the youth population. Amid challenges and obstacles, BCRP's dedication to facilitating such events reinforces its commitment to fostering a positive and vibrant atmosphere for all.

In the larger context, the achievements of the 2023 pool season, the expansion of the lifeguard team, and the popularity of teen pool parties collectively reflect the proactive approach of BCRP and its partners in fulfilling the recreational needs of Baltimore's diverse communities. These successes not only create memorable experiences but also contribute to the growth, health, and happiness of the city and its residents as they stride forward, undeterred by difficulties.



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Baltimore City's commitment to providing its residents with access to high-quality recreational activities is commendable. The announcement made by Mayor Scott in February 2022 reflects the city's undaunted dedication to improving the well-being and quality of life for its residents. The \$120 million vision for world-class recreation underscores the city's recognition of the importance of creating vibrant and healthy communities that foster physical activity, social engagement, and a sense of belonging.

One of the key components of this ambitious initiative is the allocation of \$41 million in American Rescue Plan Act (ARPA) funding towards the establishment of twenty new playgrounds. These playgrounds not only serve as spaces for children to engage in safe and imaginative play but also act as hubs for families to gather and connect with one another. By constructing these new playgrounds throughout various neighborhoods, the city will ensure that all residents can enjoy the benefits of these recreational spaces.

Moreover, the commitment to adding seven new basketball courts and six new pools demonstrates Baltimore's understanding of the diverse recreational needs of its residents. Basketball courts offer a platform for friendly competition, physical fitness, and community interaction, while pools provide an avenue for water-based activities and relief during the hot summer months. These additions not only enhance the recreational options available to residents but also contribute to the overall social fabric of the city by encouraging interactions and relationships among its diverse population.

Baltimore City's determination to provide these recreational amenities sends a powerful message about its commitment to equity and inclusivity. By distributing these facilities across various neighborhoods, the city ensures that all residents, regardless of socioeconomic background, have equal opportunities to enjoy and benefit from the resources provided. This approach aligns with the city's overarching goal of fostering community cohesion, promoting healthy lifestyles, and improving the overall quality of life for its residents.

Baltimore City's \$120 million vision for world-class recreation, with its emphasis on new playgrounds, basketball courts, and pools, reflects a resilient dedication to ensuring that its residents have access to top-notch recreational opportunities. By investing in these facilities, the city not only improves physical spaces but also strengthens the social bonds that make Baltimore a vibrant and thriving community. This commitment sets an inspiring example for other cities aiming to prioritize the well-being of their residents through strategic and thoughtful investment in recreational infrastructure.