Civil Rights and Civil Wrongs:¹ Recreational Segregation in Lancaster, Pennsylvania

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In a letter dated April 16, 1963, Civil Rights leader, Martin Luther King Jr. explained to his fellow clergymen the sociological and psychological effects of segregation in places of public amusement.

…When you suddenly find your tongue twisted and your speech stammering as you seek to explain to your six-year-old daughter why she can’t go to the public amusement park that has just been advertised on television, and see tears welling up in her eyes when she is told that Funtown is closed to colored children, and see the depressing clouds of inferiority begin to form in her little mental sky, and see her begin to distort her little personality by unconsciously developing a bitterness toward white people…2

Only then would you understand the extent to which an individual is affected by segregation. King’s compelling argument addressed a nation plagued with longstanding segregation in its South as well as in the North. Municipalities were so opposed to racial integration in their amusement facilities for fear of unclean conditions, miscegenation, disease, and the possibility of further integration into their all white neighborhoods. Moreover, the widespread debate and dissent over the notion of racial integration in public amusement parks extended to swimming pools, and was a struggle not limited to major Northern cities. Lancaster, Pennsylvania, a middle-sized city, struggled with segregation in amusement parks, swimming pools, and non-integrated neighborhoods both before and after the 1954 landmark Supreme Court decision of Brown v. Board of Education. This deep-seated debate over integrated amusement facilities sparked county, state, and national court cases whose influence traced arguments for and against desegregation in Lancaster and across the country.

Discriminatory business owners debated with Civil Rights activists over the question of whether private property trumped an individual’s equal rights under law; they further disagreed about the harmful effects of segregation. It was the responsibility for Civil Rights groups such as the National Association for the Advancement of Colored People (NAACP) to fight for the equal treatment denied by these business owners. “During the years following the Brown decision, though the pace of change seemed to accelerate, federal court decisions were not self enforcing and the NAACP had plenty of work to do.”3 In the end, Civil Rights proponents won their legal fights, but their victories suggested the limits of legal remedies, for Lancaster swimming pools did not integrate after their defeats in court.

Brown v. Board of Education was influential because it overturned the 1896 legal milestone, Plessy v. Ferguson, which declared that separate facilities for African Americans and whites were inherently unequal. “The Plessy case,” according to historian Sanford Hertz, “has served as the authority for cases involving segregation in the enjoyment of public recreational facilities just as it has in the public education and transportation cases.”4 The plaintiffs in Brown v. Board of Education claimed that their separate facilities, in this instance, public schools, were not comparable, and thus violated their equal protection under law. On May 17, 1954, Chief Justice Earl Warren, delivered the unanimous Brown verdict, which declared it unconstitutional to maintain segregation in public schools. Warren added, and King reiterated in his

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1964 speech, that the act of separating African Americans from whites “solely because of their race generates a feeling of inferiority as to their status in the community that may affect their hearts and minds in a way unlikely ever to be undone.” Further, Warren held that, school segregation violates the Fourteenth Amendment, which guarantees all citizens equal protection under the law.

While the Warren Court’s rhetoric in Brown was “broad and sweeping,” its decisions…kept to a rather narrow path,” for it eliminated formal public segregation in schools; however, “this ostensibly opened the doors for the ambiguities” that numerous discriminating business owners in Lancaster and other institutions across the country attempted to take advantage of. The dispositions of these numerous public and private institutions still belonged with the Plessy decision. Therefore, while Brown’s precedent was the beginning of an era of desegregation, the owners of amusement parks in Lancaster and other public institutions across the country, built a “wall of segregation…so formidable, so impenetrable…that the entire weight of the American tradition of equality and all the strength of the American constitutional system had to be brought to bear in order to make even the slightest crack in it.” Park owners argued that their equitable public facilities should not be treated the same as public schools. While “public education is compulsory…recreation is by its very nature voluntary,” some claimed, “public education plays a substantial role in the

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5 Brown V. Board of Education., No. 347. Supreme Court of the United States. 17 May 1954.
6 Ibid., 241.
development of our society, while the contribution of recreation is relatively small.”

Furthermore, these individuals believed that not only were their facilities private, but that “the segregation of Negroes and whites at bathing beaches, bathhouses, and swimming pools does not per se deny to Negroes any rights protected by the XIV Amendment to the Federal Constitution.” Thus, after the Brown precedent, these establishments still maintained that they were not committing a crime. Equal accommodation verdicts were consequently determined on a case-to-case basis with the Brown precedent in mind, and owners of such discriminatory establishments attempted to find loopholes in the Supreme Court decision.

One such institution was Lancaster County, Pennsylvania’s, Rocky Springs Park. This amusement park, which once boasted rides such as a world-renowned Gustav Denzel carousel, and one of the country’s largest roller coasters, is defunct today, dilapidated after years of dust and neglect. The discrimination at Rocky Springs proved that the roots of racial tensions in Lancaster were not solely limited to the Civil Rights era. Rather, the first of Rocky Springs’ public accommodation uprisings predated the Brown verdict, and contextually, discrimination occurred in Lancaster outside of recreational facilities. Subsequent to World War II, Lancaster was a segregated city. It was common practice that “real estate agents routinely steered African Americans away from white neighborhoods and toward ‘the Ward,’”

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9 Ibid., 614.
as they euphemistically termed the part of the southeast” section of the city. In was the contention of the white homeowner that, “wherever Blacks lived… neighborhoods inevitably deteriorated…if Blacks moved into white neighborhoods, they would bring with them “noisy roomers, loud parties, auto horns, and in general riotous living,” thus depreciating real estate values and destroying the moral fiber of the community. Just as whites did not want African Americans living in their neighborhoods, the owners of amusement facilities did not want their business on their premises either. Yet, circumstantially, “the most commonly expressed fear was not of ‘riotous living’ or crime, but of racial mingling.” “Black ‘penetration,’ they believed, “posed a fundamental challenge to white racial identity.”

The first of the known racial disturbances in Lancaster occurred in 1948 at Rocky Springs Amusement Park. That summer, Joseph Figari and his son James Figari, owners and proprietors of the amusement park, had refused “Negroes accommodations, advantages, and privileges of their bath house and swimming pool.” Rocky Springs park had agreed in a written statement with the County Industrial Organization (C.I.O.), that their members and friends were permitted to use the park for a Labor Day picnic on September 6, 1948. On the day of the affair, two African American men, Edward A. Hudson, and M.W. Richardson Jr., one of whom

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12 Ibid., 561.
13 Ibid., 561.
14 *Commonwealth V. Figari*. No. 169. Superior Court of Pennsylvania. 12 Jan. 1950. 31
was a member of the C.I.O., were denied the freedom of entering the swimming pool at the park. As a result of this refusal, the plaintiffs brought suit against the defendants for violating the Act of Assembly, which was signed into law June 24, 1939\(^\text{15}\).

The Act of Assembly, frequently identified to as the Equal Rights Act, states that

> Whoever, being the owner, lessee, proprietor, manager, superintendent, agent, or employee of any…place [of public accommodation, resort or amusement], directly or indirectly refuses, withholds from, or denies to, any person, any of the accommodations, advantages, facilities and privileges thereof…on account of race, creed, or color…is guilty of a misdemeanor.\(^\text{16}\)

Additionally, Section C. of the Equal Rights Act of 1939 states, “a place of public accommodation, resort, or amusement, within the meaning of this section shall be deemed to include…bathhouses…amusement and recreation parks.”\(^\text{17}\) On the basis of this notion, the defendants were convicted on the local level in the Lancaster County Courthouse, and thereafter, appealed to the Superior Court.

The Figaris petitioned for a new trial on the basis of the technicality that the term ‘swimming pool’ was not specifically mentioned in the Equal Rights Act. Furthermore, as their attorney Charles W. Eaby explained, had the Figari’s permitted African Americans access to their bathing facilities, they would lose business because

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\(^{16}\) Ibid., 1.

\(^{17}\) Ibid., 3.
white persons do not want to swim in tainted waters. Eaby asserted that the defendants were financially in jeopardy in regard to the outcome of the trial:

> It is the contention of the defendants and the co-operators of swimming pools that if this practice is compulsory then they must close all swimming pools or else operate at a loss because the majority of whites in this locality will not bathe with colored people at the same time.\(^{18}\)

The defendants cited the York Municipal Pool in York County, Pennsylvania, as their proof of this assertion, claiming that this facility was a “financial and social failure,” because both African Americans and whites were permitted to swim simultaneously.\(^{19}\)

The Superior Court of Pennsylvania upheld the lower court decision on January 12, 1950, for many reasons. First, while the legislature did not specifically mention the word “swimming pool,” it did cite an amusement park; hence, all facilities within the park were to be included. Second, one could not discriminate in a bathhouse and not in a swimming pool, for in order to enter a swimming pool, one needed to change clothes in a bathhouse: “Therefore, a swimming pool and a bathhouse are thought of as one and the same place, or parts of the same place.”\(^{20}\)

The belief that whites did not want to swim in the same facilities as African Americans was a common conception. Swimming facilities were segregated “apparently for the reason that it involves the exposure of large parts of the body, and because of the erotic associations.”\(^{21}\) Whites also believed that African Americans

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\(^{18}\) Ibid., 2.  
\(^{19}\) Ibid., 2.  
\(^{20}\) Ibid., 4.  
lacked cleanliness and carried diseases that they did not want present in their waters. Ted Gaskins, whose grandparents owned a municipal swimming pool in Alamogordo, New Mexico, recalled such racial separation in a letter he wrote to the American Public Media outlet in regard to Jim Crow segregation laws. Gaskins explained that, prior to the filtering systems common today in swimming facilities, pools needed to be drained and chemically treated weekly to preserve their cleanliness. Nevertheless, as a child, Gaskins asked his grandfather about why he drained and chemically treated the pool water and, his grandfather informed him, the reason was because, “the colored people (who were permitted to use the pool for three hours on Sundays) were unclean, and this would kill the bacteria that they would bring in.”

For many whites, integrated pools represented a level of “interracial intimacy” they simply could not stomach. Indeed, the image of black and white children swimming together was so repugnant for them that some segregationist groups sent photographers to...pools to get pictures for future propaganda. Such a reaction from hard-core segregationists was to be expected, but even those who embraced integration in other areas refused to support shared use of pools. Even biracial religious groups, for instance, drew the line at integrated swimming...Many whites – segregationists or not – believed that blacks carried diseases that might be spread in shared waters.

They also thought that the “contact between the races would lead to interracial sex and marriages” and “the more intimate the contact the more emotional...the response forthcoming from the white community.”

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The majority of the whites’ disgust stemmed from their innermost fears. If African Americans were permitted to enter into their amusement parks and bathe in their swimming pools, “they would then try to buy homes outside the project, and it would only be a matter of time before ‘the whole thing will be Black and they will buy at their own price’…ultimately the loss of ‘white’ identity.”

Proximity to Blacks risked intimacy. As one opponent of a proposed Negro housing project stated: “We firmly believe in the God given equality of man. He did not give us the right to choose our brothers…but he did give us the right to choose the people we sleep with.”

Resistance to segregation was not unique to Lancaster county. Rather, a few years after the *Figari* decision, the Supreme Court of Pennsylvania delivered its verdict in *Everett v. Harron*, a case that transformed pool segregation in Pennsylvania. The case, decided January 3, 1955, charged defendant Paul F. Harron with the refusal to welcome African Americans into his facility, Boulevard Pools and Boulevard Swimming and Tennis Club located on Roosevelt Boulevard and Princeton Avenue in the city of Philadelphia. Harron’s establishment included “four pools of various sizes and depths for swimming and bathing, a tennis court, a basketball court, a volley-ball court, ten ping-pong tables, swings for children, a large tract of lawn for sunbathing and picnicking, a sand beach, refreshment stands where ice cream, sandwiches and soft drinks were sold, and a building with dressing facilities

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consisting of 7,200 lockers and stalls and four large shower rooms containing individual showers.”

Although his establishment contained all of these amenities, Harron fervently argued that his property did not fall under the statute of “an amusement or recreation park.” He admitted that his swimming pools were operated for “public accommodation.” A small admission charge granted an individual full access to all of the pool’s attributes. Harron further contended that he referred to his facility as a private club for the sole function of excluding African American persons. The decision delivered in this case cited the Equal Rights Act of 1939 which provides that

All persons within the jurisdiction of this Commonwealth shall be entitled to the full and equal accommodations, advantages, facilities, and privileges of any places of public accommodation, resort or amusement subject only to the conditions and limitations established by law and applicable alike to all persons. Whoever... denies to, any person, any of the accommodations, advantages, facilities or privileges thereof... to, any person on account of race, creed, or color or that the patronage or custom thereat of any person belonging to, or purporting to be of, any particular race, creed or color is unwelcome... is guilty of a misdemeanor.

Harron’s defense was similar to the argument of defendants Joseph and James Figari on the basis that the Equal Rights Act did not specifically mention the term “swimming pool” in its legislation. The prosecution, however, cited the decision in

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28 Ibid., 1.
29 Ibid., 1.
Commonwealth v. Figari, which proclaimed that with reasonable deduction, being that the legislation contained the words “amusement park and bathhouse,” Harron’s property irrefutably fell under those categories. Therefore, building on the finding in Commonwealth v. Figari, Harron was found guilty of “the exclusion of the Negroes…because of their race or color.”\footnote{Everett V. Harren, Appellant. No. 380. The Supreme Court of Pennsylvania. 03 Jan. 1955. 2.} Chief Justice Horace Stern also referred to Kenyon v. City of Chicago whose decision proclaimed,

On principle it is difficult to find any sound reason for the enunciation of a broad principle that equity will not protect personal rights…The issue should not in logic or justice turn upon the sole proposition that a personal rather than a property right in involved. To so reason, is to place property rights in a more favorable position than personal rights, a doctrine wholly at odds with the fundamental principles of democracy. These concepts of the sanctity of personal rights are specifically protected by the Constitutions, both state and federal, and the courts have properly given them a place of high dignity, and are worthy of special protection.\footnote{Ibid., 2, 3.}

Horace did not cite this case by accident. On the contrary, Horace, like Warren, used this quotation to explain his contention, that simply because an individual is discriminatory, that does not give him the right to disobey the Constitution on his property. Thus, Everett v. Harron held that an individual’s private property rights did not surpass equal treatment under the law. Everett v. Harron was not the only case that raised the issue of a publicly owned facility verses one that was privately operated. Categorically, many cases debated this distinct contention.

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\ldots\text{The word \textit{“public”} has two possible meanings. Its broad and primary meaning in the term under consideration is that it covers places}\]

of business, which offer their facilities or services to the general public and solicit the patronage of members of the public. Hence, the term includes most privately-owned and operated places of business. At the same time, the term includes publicly-owned facilities, which are operated either by the State or its subdivisions, or which are leased to private persons for operation by them.  

In that respect, the Attorney General of the Commonwealth of Pennsylvania sought an injunction and was ultimately awarded a decree enjoining defendant John V. Gibney from refusing African Americans the privileges of the swimming pool at his facility Lenape Park. The case of Commonwealth v. Gibney explained that in both May and June 1959, the defendant Gibney, the owner and proprietor of Lenape Park, a public recreation facility located in Chester County Pennsylvania, denied African Americans the right to use his swimming pool.

In May 1959, prior to entering into an agreement with Beverly Hills Junior High School of Upper Darby, Pennsylvania, Gibney required that the school administrators explain to the African American students in their ninth grade class that they would not be permitted to use the pool. Instead, “the school’s annual picnic was transferred from Lenape Park…because five Negro students were asked to ‘waive their pool privileges.’” May 27, 1959, Gibney explained to the Pennsylvania Department of Justice that “this had been his practice and policy in times past, and that he had so far managed to avoid mixing of races in the pool by such means.”

The following day, Gibney announced to the same investigators that, “a private club

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would thereafter operate the pool and admitted that one of the reasons for forming the club was to keep out of the pool Negroes and other 'undesirables.'”

On June 7, 1959, yet again an African American woman named Lee Harvey attempted to enter Lenape’s pool but was denied, “while on the same day, both before and afterward, persons of the Caucasian race were admitted thereto.” Harvey attested to the fact that white members of the community were admitted unequivocally both before and after her arrival. Judge Thomas C. Gawthrop delivered the opinion of the court, stating that Lenape Park, including its swimming pool, was certainly a place of “public accommodation, resort, or amusement,” citing both the Equal Rights Act, Commonwealth v. Figari, and Everett v. Harron. Gawthrop understood that Brown “attempted to deal forthrightly with one aspect of the race relations question—formalized public discrimination.” He therefore “issued a preliminary injunction forbidding the park from ‘directly or indirectly’ refusing accommodations to anyone on account of race, creed, or color.”

The same year that Commonwealth v. Gibney was decided, a young attorney, Robert Pfannebecker, returned to his home in Lancaster from the University of Pennsylvania Law School in Philadelphia. Pfannebecker, a 1955 graduate of Franklin & Marshall College, came back to Lancaster to work as a prefect for the renowned attorney, Jacques H. Geisenberger, Sr.. Pfannebecker explained that Geisenberger,
although a prominent attorney, experienced discrimination because he was Jewish. Geisenberger, for example, was excluded from the Pennsylvania Bar Association events held at Lancaster’s prestigious Hamilton Club, because the policy of the private society was to exclude not only African Americans but Jewish individuals as well. So angry about the location of the Bar dinners, Pfannebecker ultimately stopped attending them, and passionately petitioned the Association to move its meetings to a publicly operated facility where all could attend.\footnote{Pfannebecker, Robert. Personal interview. 23 Mar. 2006.}

Pfannebecker eventually caught the attention of Lancaster’s Unitarian Church. A member of the church, Pfannebecker was introduced to a group of enthusiastic and liberal parishioners who wanted to make a difference in Lancaster. With connections to the Lancaster Freedoms Committee, many of these parishioners felt that social change needed to occur, and that all citizens in Lancaster should be granted equal privileges regardless of the skin color. The Freedoms Committee contended that all places of public accommodation that were refusing African Americans must be integrated, and that the long-standing debate over housing discrimination had to be solved.

The Freedoms Committee was aware that, despite the 1950 \textit{Commonwealth v. Figari} decision, Rocky Springs Park, and two additional amusement facilities, Maple Grove Park and Brookside Swimming Pools were practicing the same racially based segregation in Lancaster. Pfannebecker and the Freedoms Committee, used a plan known as the “sandwich effect,” to try to prove that discriminatory practices occurred at the pools; this was necessary because the pools did not publicly post their whites-
only policies.\textsuperscript{42} The plan, which had been effective in \textit{Everett v. Harron}, entailed one white person entering the park, then an African American, followed again by another white person. Assuming that both of the white individuals were permitted into the facility and that the African American was not, Pfannebecker and the Freedoms Committee believed that they could prove that race determined admission at these amusement parks. Pfannebecker later confessed, “I had no idea how strenuously [the legal cases] would be opposed by legal counsel on the other side.”\textsuperscript{43} He admitted that, at the time, he was a young attorney facing skillful, powerful and well-liked lawyers in Lancaster.

Still, Pfannebecker firmly believed in his cause. He understood that with \textit{Brown} in context “the damaging impact of segregation is heightened by grossly inferior...standards, for separate and unequal are found to go hand in hand no less in the North than in the South. The end products...affect Negro pupils of all economic, educational, and cultural backgrounds.”\textsuperscript{44} The \textit{Brown} decision served as his backing, thus, throughout his cases. Pfannebecker proved that all forms of segregation at amusement parks have lasting psychological and sociological affects on both the victims and their oppressors. At a December 1950 White House Conference regarding Children and Youth, a fact report was presented on the effects of legal segregation, the very issue Pfannebecker was trying to prove. The nonpartisan conference, held at the beginning of every decade, combined research from hundreds

\textsuperscript{42} Pfannebecker, Robert. Personal interview. 23 Mar. 2006.
\textsuperscript{43} Ibid.
of organizations including the National Education Association. In the aftermath of *Brown*, “this report brought together the available social science and psychological studies which were related to the problem of how racial and religious prejudices influenced the development of a healthy personality.”\(^{45}\) The report paralleled Pfannebecker’s defense: both showed how segregation affected individuals sociologically and psychologically by creating feelings of inferiority.

Just as this research was important at the White House Conference and in Warren’s decision in *Brown*, sociological data on the harms of segregation was also part of Pfannebecker’s Lancaster cases.

While there are many other factors that serve as reminders of the differences in social status, there can be little doubt that the fact of enforced segregation is a major factor. This seems to be true for the following reasons among others: (1) because enforced segregation results from the decision of the majority group without the consent of the segregated and is commonly so perceived; and (2) because historically segregation patterns in the United States were developed on the assumption of the inferiority of the segregated.\(^{46}\)

Rocky Springs, like many other amusement parks, in an attempt to evade discrimination laws, enacted various strategies “to perpetuate segregation in…places of public accommodation even in communities where civil rights statutes forbade such practices.”\(^{47}\) On July 26, 1960, Lancaster County Court issued an injunction against the amusement park in regard to an allegation that occurred on June 11, 1960.

On June 11, 1960, two African Americans, Lisa E. Smith and Emory Coleman


\(^{46}\) Ibid., 229, 230.

entered the Rocky Springs complex with bathing suits in their hands, intending to swim. Upon arrival, Smith and Coleman approached the admissions office and asked if they were able to go swimming. An attendant at the park’s ticket office informed the plaintiffs that they were not permitted to enter the pool; rather they needed to report to the park’s admissions office to fill out an application. Smith and Coleman approached the admissions office and asked for an application. The employee at the office was befuddled, and stated that she was not aware of the application requirement, yet upon looking through the drawers in an office cabinet, she located the application. After completing the paperwork, Smith and Coleman inquired when they would hear about the status of their submission. Still perplexed, the woman who had just received a phone call from the ticket office, responded that she believed a committee reviewed admission applications monthly, and would henceforth inform them of their status. Upon hearing this news, Smith and Coleman left the park, and never again heard about whether or not their application was approved.48

Nonetheless, at the same time Smith and Coleman were refused admission to the pool, they observed that the white members of their community were continuously permitted into the complex without having to complete an admissions application. Sworn witness Franklin A. Shenk, a white man, admitted that when he arrived at the park with his wife and child, he was asked to pay a total fee of a dollar and ninety-cents, and “I paid the dollar ninety cents and we were admitted…I checked my valuables at a place, oh, beyond the admissions window and while I was there, I

noticed other people coming in. These other people merely did as I had done—paid their fee—were not asked to show any cards.\textsuperscript{49} The sandwich test thus proved racial segregation at the pool. The plaintiffs therefore filed their complaint in equity that Rocky Spring’s refusal to allow blacks to swim on the premises violated the Equal Rights Act of 1939.

In response to the plaintiff’s accusations, the Lancaster chapter of the NAACP voted to boycott Rocky Springs Park with the aid of branches located in Avondale, Harrisburg, Reading, Coatesville, York, Ardmore, and the state of Maryland. The Lancaster division of the NAACP composed a letter to their fellow citizens:

Your presence and the money you spend at Rocky Springs Park prevents you from having equal rights at all its facilities. Parents!! Educate your children to the fact that they are buying discrimination with every cent they spend at segregated parks or facilities. Should our children have to swim in unsafe areas, such as creeks, quarries and polluted swimming holes?? We say NO!! Let us join together to give our children better recreation facilities, which they are due as citizens of this community.\textsuperscript{50}

Plaintiff Lisa Smith, a member of the Lancaster NAACP branch, explained in her testimony, “I have not been to the Park since June 11, 1960…I could not in good conscience go there while Negroes were excluded from some of its facilities…this decision was only made on my part after attempts had been made to bring an end to the discrimination at Rocky Springs Park through failed discussions with the owners.”\textsuperscript{51}

In response, Robert Ruppin, the attorney for the defense, claimed that

\textsuperscript{49} Ibid., 3.
\textsuperscript{51} Ibid., 4.
Coleman and Smith did not enter Rocky Springs on June 11\textsuperscript{th} with “clean hands.”\textsuperscript{52}

In effect, Ruppin accused the plaintiffs of trying to entrap the defendant. Robert Pfannebecker, the prosecuting attorney, asserted in reply to this notion,

> It is obvious… that the plaintiffs had nothing whatsoever to do with implanting in the defendant’s mind the will to discriminate. Perhaps the defendant would say that had the plaintiffs not been Negroes, he would not have sent them away and he would not then have violated the law. To say this is to justify discrimination on every side, simply because Negroes (or others) may go to places where people may discriminate against them, arguing that then they are guilty of entrapment. To state the conclusion seems to me to indicate its absurdity.\textsuperscript{53}

This argument paralleled the decision in *Everett v. Harron*, which explained that property rights could not be valued over personal rights. Pfannebecker insisted that an individual’s internal discrimination should not give him/her permission to violate the Constitution. Lancaster County Judge Joseph Wissler repudiated the entrapment charge, and ruled in favor of the plaintiffs.

Pfannebecker and the Freedoms Committee understand from the outset that racial tension about swimming in Lancaster was not limited to Rocky Springs Park. Consequentially, on June 11, 1960, two other sandwich tests were conducted in Lancaster. African Americans, William T. Lackey and Blanch R. Lackey, brought an action in equity against Nicholas Sacoolas, who owned and operated Maple Grove Amusement Park and Swimming Pool in Lancaster County. The Lackeys sought to enjoin Maple Grove Recreation Association along with Sacoolas from denying them “and all other persons similarly situated, the full and equal accommodations,

\textsuperscript{52} Ibid., 17.
\textsuperscript{53} Ibid., 4.
advantages, facilities and privileges of the Maple Grove swimming pool and related facilities on account of the race, creed or color of such persons.”

Maple Grove pool, like Rocky Springs, did not allow African Americans to swim. White patrons to Maple Grove were permitted full access to the facility after completing brief application cards. White witness John A. Van Horn, explained that the employees at the admissions tables “inquired of us, our name, address, age and wrote this information, and we immediately signed the forms and were given blue cards which permitted us to proceed down the beachway…where we paid an admission fee to the attendant and entered the pool.” Yet, when the Lackeys arrived at the site and attempted to follow the same steps that Van Horn described, they were immediately prompted to fill out applications for membership into the Maple Grove Recreation Association. In a letter dated June 29, 1961, Calvin D. Banks, program director for the NAACP wrote to Philip P. Kalodner, Deputy Attorney General Chief of the Investigation and Civil Rights Division of the Philadelphia State Office concerning the perquisite application:

I have been informed that a group of responsible Negro citizens…visited Maple Grove Pool, and were told that they would have to apply for membership and could not be admitted until their membership applications were acted upon. They report being able to observe that white persons making application for membership were immediately admitted to the pool in question. If the facts are as alleged, this appears to be a clear violation of existing civil rights laws in Pennsylvania.

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55 Ibid., 3.
Pfannebecker called on a number of witnesses ranging from members of the Freedom’s Committee, investigators from the Pennsylvania Department of Justice, to experts in the field race relations. He hoped to prove sociology behind segregation that Warren highlighted in Brown. Warren called expert African American witness Kenneth Clark to the stand in Brown, and in that respect, Pfannebecker assembled his staff of witnesses. In his case against Maple Grove, Pfannebecker called to the stand Charles H. Holzinger, associate professor of social science at Franklin & Marshall College. Holzinger, who had a Master of Arts degree in sociology from the University of Chicago, and who wrote a paper on the “Effects of Majority Actions on Minority Groups,” attended Maple Grove with his wife and four children on June 11, 1960, and like the other whites present that day, was unequivocally granted access into the Maple Grove facility.57

In his expert testimony Holzinger affirmed Pfannebecker’s argument about the enduring sociological and psychological effects of segregation against both the minority and majority groups:

...I believe there are very deleterious results that flow from the experience that the Negro plaintiffs had at the Maple Grove pool. The effect of repeated rejection by people is such to ultimately undermine and destroy the self-confidence of an individual so that all of the scientific evidence demonstrates that their level of aspiration – their effectiveness – is reduced by this experience...It leads the majority group into practices of essential dishonesty – of deception – it has a coarsening of effect – and effect of deteriorating the moral standards of the majority group in attempting to maintain these patterns of discrimination.58

57 Ibid., 5.
58 Ibid., 2.
Holzinger alleged that the community in which the discrimination occurred was undeniably affected by the segregation in public accommodations as well, for “it destroys the confidence of the individuals in all justice and in the belief in their own country and the ideals of that country, explicitly expressed by law.” Moreover, when Mr. Lackey was called to the stand, during his cross-examination he further answered the question of inferiority that Pfannebecker was attempting to prove. He explained, “The only thing I could say is that I seem to have been made an outcast insofar as the public is concerned. If the park is public, and seemingly the public was being admitted, I thought if a person signs, I should have been admitted just for the privilege of signing.” Judge Hon. W. G. Johnstone, Jr. found Sacoolas and Maple Grove Park guilty August 10, 1960 for violation of the Equal Rights Act in the Court of Common Pleas of Lancaster County. Sacoolas immediately appealed.

In the third pool case, Pfannebecker represented an African American plaintiff, Mary S. Copper, who tried to enter Brookside Swimming Pool, another discriminatory recreation facility on the northwest side of Lancaster city. On June 11, 1960, Copper entered the Brookside complex with the intent to go swimming. Copper observed that “other members of the general public were being given cards and admission tickets by persons acting as attendants and were being allowed to swim that day.” She approached the gate where many other members were permitted freely, but unlike the white persons, Copper was stopped and handed a “membership

59 Ibid., 6.
60 Ibid., 8.
application, and told that she would not be permitted to swim today…it will take three
days to process the application form." 62 Again, the importance of Pfannebecker’s
“sandwich effect” shed light on the notion that Copper’s skin color determined her admission.

Upon hearing about the application process required for her, Copper left the facility and “filed a complaint in equity seeking a preliminary injunction and ultimately a final decree enjoining the defendants, Paul R. Diller and Genevieve M. Diller, individuals doing business as Brookside Twin Pools” from refusing her the ability to swim on account of her race. The Dillers then filed a response to Copper’s allegations that suggested the existence of a lease arrangement between them and a non-profit organization by the name of Brookside Swimming Club. In riposte, Copper filed an amended complaint that included Brookside Swimming Club as an accompanying defendant involved in the case.

Pfannebecker cited Smith v. Rocky Springs Inc. and Lackey v. Sacoolas, whose recent opinions were rendered in favor of the plaintiffs in regard to the similar issue at stake: violation of the Equal Rights Act. Pfannebecker expressed that at the moment Copper was forced to wait and complete an admissions application and obligated to endure any procedure that delayed her entry in any right, discrimination occurred against her. He realized that Copper would bring an action under the Equal Rights Act. 63

62 Ibid., 2.
63 Ibid., 3.
The defendants’ answer to Copper’s allegations was that Brookside Swimming Club was considered a Pennsylvania non-profit organization, and the *Equal Rights Act* exempted private institutions. The Dillers’ attorneys, Arnold, Bricker, Beyer, and Barnes, cited Subsection D. *The Public Facilities Act of the Equal Rights Act*, which states,

> Nothing contained in this section shall be construed to include any institutions, club or place or places of public accommodation, resort or amusement, which is or are in its or their nature distinctly private, or to prohibit the mailing of a private communication in writing sent in response to a specific written inquiry.\(^{64}\)

The defendants, therefore, wanted all of Copper’s allegations dropped. They further cited the notion that although the *Equal Rights Act* spoke of Civil Rights, it was definitely a “penal statute.”\(^{65}\) They added, “by reason of the fact that this act creates new rights which do not exist at the common law, and even changes basic common law principles which freely permit a person to do business with whomever he chooses, it is in derogation of the common law and for this additional reason must be strictly construed.”\(^{66}\) Furthermore, the defendants claimed that since their organization was nonprofit, there should have certainly been an expectation of a membership application, and if an applicant was denied admission to the organization, they had the ability to appeal the rejection. According to the defense, since Copper left the scene after being rejected, she had not exhausted all of her available avenues to obtain admission; thus, her allegations were false and incomplete.

\(^{64}\) Ibid., 2.
\(^{65}\) Ibid., 4.
\(^{66}\) Ibid., 5.
Pfannebecker argued in his brief: “It is essential to remember that what plaintiff is alleging is discrimination in not being admitted to Brookside Swimming Pool…Plaintiff was refused admission to the Pool, not because she wasn’t a member of the aforesaid ‘club,’ but because she was a Negro.”

Understanding that Copper’s ‘membership’ experiment was used only against her, “it is a farce and merely a rather more intricate method of outright discrimination on account of race.”

Justice W. G. Johnstone Jr. delivered the opinion of the court. Citing Smith v. Rocky Springs and Lackey v. Sacoolas, Johnstone noted that there was no credible evidence to support the notion that the Dillers’ Brookside Swimming Club was a private institution. Therefore, while it was accurate that a private club was exempt from the provisions of the Public Facilities Act of the Equal Rights Act, Brookside Pool did not fall under that statute; hence, Johnstone’s ruled in favor of Copper.

Desegregation becomes more difficult in communities where…authorities refuse to adopt these policies and where entrenched patterns of segregation and discrimination exist in the context of general problems of community disorganization and tradition of disrespect for law and order. But these two transitions clearly indicate that even in those communities where there is initially strong opposition to non-segregation…desegregation can be effectively accomplished.

The Dillers, who were long-time parishioners with Pfannebecker at Lancaster’s Unitarian Church, left the church after the court decision. Pfannebecker and the Freedoms Committee felt for the first time the personal effects of the cause that they

67 Ibid., 9.
68 Ibid., 10.
were fighting for: the quest for desegregation and human rights did not come without a price. Pfannebecker later contended that all three facilities

Suggested that they were semi-private...that was the argument...They weren't just saying you can't come in. They were saying you have to be a member. That raised the question of... how do we deal with it? That's what gave rise to Everett v. Harron, it had to deal with that same thing: the sham admissions system...That's why Everett v. Harron was obviously very helpful because it came up with the... sandwich theory, which usually worked in most cases. And to a greater or lesser degree it was upheld... The Dillers on the other hand were interesting. They left the church because they felt they did have a private club. I mean, they didn't feel that they discriminated. That was a very tense relationship...They were ostensibly much more liberal... in a lot of their thinking and they just took that very personally.70

On June 7, 1963, Justice Michael A. Musmanno delivered the opinion for the Supreme Court of Pennsylvania for Lackey v. Sacoolas, appellant. The decision was based upon the testimony of the Lackeys when they came to Maple Grove on June 11, 1960, and attempted to enter the facility, which was “ostensibly open to the public,” and were told that they needed to fulfill an application for admission and needed to pay a fifty cent holding fee to the Maple Grove Recreation Association.71 Upon further research the couple learned that white persons were not required to complete such admissions applications; on the contrary, it was only necessary for them to pay a small sum, and they were unequivocally entitled to all of the benefits of the facility.

Additional investigation led the Lackeys to discover that the pool never acknowledged applications from African Americans. The Court delivered its decision: “We firmly believe that all men are created equal and because the

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71 Lackey V. Sacoolas, Appellant. No. 411. The Supreme Court of Pennsylvania. 7 June 1963. 2.
Legislature has clearly declared that discrimination because of race, creed or color is against public policy, we have come to the conclusion, after long and careful deliberation that the Maple Grove swimming pool is a place of public accommodation and the plaintiff’s rights under the Act of 1939 have been violated.”

Additionally, the court cited Everett v. Harron, when it responded to the question, did “the statute confer upon persons against whom illegal discrimination was practiced a right of action to redress the grievance thereby suffered?” Justice Musmanno answered this inquiry in his opinion:

The answer to this question must undoubtedly be in the affirmative. It will be noted that Section 654 begins by stating that, ‘All persons within the jurisdiction of the Commonwealth shall be entitled to the full and equal accommodations…of any places of public accommodation, resort or amusement.’ If therefore, they are ‘entitled’ to such privileges they are likewise entitled to enforce them, since whenever there is a right there is a remedy.

Even so, despite the guilty verdict and the notable efforts of Pfannebecker and the Freedoms Committee, the culpability of Sacoolas apparently meant little in regard to the practice of segregation at Maple Grove. By the time the guilty verdict at the Supreme Court was released, Sacoolas had already sold his facility to Maple Grove Country Club Incorporated “for $130,000 and took steps to turn it into a private club with limited membership.” The sale of Maple Grove followed other discriminatory owners in the North that resisted segregation.

72 Ibid., 3.
73 Ibid., 3.
74 Ibid., 3.
75 “County Court Hears Argument on Swim Pools.” Lancaster Intelligencer Journal 8 June 1963: 1+.
Around the same time that Maple Grove instituted its bogus application process, Rocky Springs Park attempted to justify the same admissions requirement for its African American patrons. Kenneth Bost, president of the Lancaster chapter NAACP, noted that one African American NAACP member inquired about an admissions application, and was informed by the park’s manager Toby Cathy, “memberships are filled for this year and that no applications are ever taken for the coming season.”\(^{76}\)

Because the pool still did not admit African Americans, Civil Rights activists in Lancaster tried a new approach: it held peaceful rallies for six straight Sundays at the park to protest the inequitable practices of Figari and his son. “Among those taking part in the Sunday marches around the pool were members of the NAACP, faculty from Franklin & Marshall and Lancaster Theological Seminary, and members of churches.”\(^{77}\) Ron Ford, later a Lancaster County Commissioner, was also present at the marches on Rocky Springs. Around fifty-one people demonstrated, “about a dozen of them white…they carried placards and signs saying, ‘we’re walking for our rights,’ ‘our color won’t wash off,’ and ‘prejudice handicaps our nation.’”\(^{78}\) Bost responded to a question regarding whether or not the marches at Rocky Springs were advantageous: “for every march that we have, we have gained.” He stated, “They all


encourage Americans to think about equality.” He further drew on the emotions of the individuals patronizing the swimming pool as the demonstrations were occurring. “Look at the swimming pool. Look at the people in it. How would you feel if you were standing out here with a flag on your shoulder and your child couldn’t go in?”

The ticket vendor at Rocky Springs admitted there were more people picketing at the park on the days of the rallies than there was swimming in the pool. Leroy Hopkins, a young African American, explained his motivation: “it is sort of a challenge for me to do the best I can for the movement, the main goal of which is equal opportunity.” Among the protestors were two local high school students at Lancaster’s McCaskey High. Theresa Robinson, one of the students, proclaimed, “…the time is right for everyone all over the United States to show people that we want equal opportunity…through demonstrations we are showing the way.” She further explained, “We swim together at school, so I don’t see why we can’t swim together outside” at Rocky Springs.

The picketing in downtown Lancaster, the recent Supreme Court decision of Lackey v. Sacoolas, and the continuous segregation at the pools affected the entire community. Monsignor Charles J. Tighe, pastor at Assumption of the Blessed Virgin Mary Church and Dean of the Catholic Clergy in Lancaster, expressed his view about

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80 Ibid., 1.
82 Ibid., 9.
83 Ibid., 9.
the Rocky Springs incidents in the Sunday bulletin he delivered to his church parishioners:

It is impossible to reconcile the present practices of segregation and discrimination toward minority groups with the Catholic code of morality and the Declaration of Independence…in this Centennial Year of the Emancipation Proclamation it is good to think about Heaven during this rumbling summer of discontent over civil rights and segregation. There are no slave quarters out in the back of God’s House. And, if you choose to be journeying the road to Heaven, there are no Jim Crow seats in the rear of the bus.\(^\text{84}\)

The picketing at Rocky Springs aligned with Martin Luther King Jr.’s desire for peaceful protesting:

There weren’t any sit-ins, kneel-ins, no wade-ins. The whole thing was quiet and reserved and conducted with great perspicacity. The demonstrators marched calmly and quietly; no one sang “We Shall Overcome.” The demonstrators, as a matter of fact, seemed pro forma.\(^\text{85}\)

Still despite the fact that the Rocky Springs demonstrations were peaceful, they did not occur disturbance free in the Lancaster community. Rather, on the same day as one of the rallies, vandals defaced Lancaster’s Bethel AME Church with the letters “KKK.” “Officers said the letters- which stand for Ku Klux Klan -- were painted with white paint, six inches high, on the stone siding of the church.”\(^\text{86}\) The Lancaster chapter of the NAACP held its meetings in the church’s basement, so in that respect the hooligans had a definitive motive for their chosen target. Reverend A.L. Stephans pastor at the Bethel Church proclaimed, “the painting of KKK’s on his church was

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defacing church property…the marks could be symbols of something – perhaps pettiness, narrowness or shortsightedness – on the part of those who did it." The graffiti on the Bethel Church was a further reminder to Civil Rights activists in Lancaster that despite their efforts, they were still fighting an uphill battle.

Moreover, following Lancaster’s summer of racial unrest, one of the country’s largest proponents of Civil Rights, President John F. Kennedy was assassinated November 22, 1963. Kennedy’s murder added to the turbulence in Lancaster and across the country. Less than a month after Kennedy’s assassination, Lancaster provided supplementary response to their own convoluted racial unrest when Franklin & Marshall College hosted Martin Luther King Jr. at its campus. On December 13, 1963, King addressed approximately five thousand people on the college grounds. He spoke for forty-five minutes “without notes,” about the necessity of obliterating segregation.

The old order of oppression is passing away and the new order of justice and human dignity is coming into being…We have broken loose from the Egypt of slavery…and stand on the border of the promised land…To be a success, integration must be a moral realization on the part of members of all races…The tragedy is that the result of segregation is an argument for the continuation of it…The belief that legislation that enacts order and judicial decree cannot solve the problem and that it can only be solved through education…Laws cannot make a man love me, but they can keep him from lynching me…Strong civil rights legislation is needed and soon.

King spoke of eliminating the notion of the inferior race, citing “several…arguments on which these views are based-some taken from the Bible, others founded on

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87 Ibid., 8.
89 Ibid., 1,14.
esoteric, sociological and anthropological factors.”

King took a stand against not only individuals like the Figaris, Sacoolas’, and Dillers who supported segregation, but also against those passive individuals who might have been against it but did not do anything about it. “Men will have to repent not only for the evil members of the race, but also for the appalling silence of the good people.”

At the time of King’s speech, Franklin & Marshall College was enduring some hard questions itself concerning racial desegregation. The Greek system on its campus was being called into question for not granting African Americans the privilege of membership into their organizations. Since their foundation, the fraternities on campus attempted to hide under the inequitable mask of, “we don’t want to be discriminatory, but our nationals force the discrimination sentiments upon us.”

Fraternity men, in defense of their practices, will contend that the concept of fraternity by its very nature is discriminatory. The key question is thus the basis for discrimination. Phi Beta Kappa discriminates on the basis of scholastic achievement. The Glee Club does not admit boys who cannot sing. Fraternities will assert that they accept pledges only when they display ‘good moral quality or character.’ But, this is the crucial point, there is no correlation between race, religion or ethnic background and moral quality. If and when fraternity men can achieve this realization, then the problem will not exist.

During his time at Franklin & Marshall, Pfannebecker, a Chi Phi fraternity brother, recalled the discriminatory practices of fraternal organizations on his campus.

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91 Ibid., 1.
93 Ibid., 1.
Pfannebecker revealed that as member of the executive board of Chi Phi, he urged his fraternity to accept a Jewish pledge into the organization. He admitted that the racial discrimination within fraternities had the similar sociological and psychological effects on college campuses as the segregation inside amusement parks affected communities. “The racial and religious exclusiveness of college fraternities has become a matter of increased concern on many American college campuses,” for “fraternities and sororities play a decisive role in the social, political and associational life of many college campuses.”<sup>94</sup> Hence, Warren’s contention that racially based discrimination had lasting effects on the character of individuals was pertinent in the fraternity debate as well.

This view has been given formal recognition by the fraternities themselves. The National Interfraternity Conference has stated that it considers the fraternity “responsible for a positive contribution to the primary function of the colleges and universities, and therefore is under an obligation to encourage the most complete personal development of its members, intellectual, physical and social.” It is widely felt that fraternity discrimination retards the educational process, impairing the intellectual growth of both those students who are accepted for membership and those who are rejected.<sup>95</sup>

Just as the public amusement parks attempted to refer to themselves as private facilities, fraternities believed that they were protected under their privatized heading.

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Yet, “the belief is now prevalent that fraternities are no longer a matter of private social concern. Many college officials and leaders have taken the position that they have a direct bearing on the overall educational development on the student body.”

The work of Pfannebecker and the Freedoms Committee finally began to come to light, for the effects in the Lancaster desegregation cases were felt around the country. A 1964 United States Supreme Court decision, *Griffin v. Maryland* cited and dealt with the same discrimination issue that was present in Pfannebecker’s trials in a facility in Montgomery County, Maryland in the Washington, D.C. suburbs.

Glen Echo Amusement Park, situated close to Washington, D.C., published advertisements that proclaimed it was open to the public. In spite of the publications, much like the Lancaster amusement parks, Glen Echo excluded African Americans from patronizing the facility. Still, “no signs at the park apprised persons of this policy or otherwise indicated that all comers were not welcome.” Glen Echo also did not require admissions tickets to enter into the premises. Nonetheless, “Montgomery County, in fact, aided and abetted the park’s ban on blacks daily, transporting hundreds of white children from the lower part of the county to the Glen Echo swimming pool, courtesy of the county’s recreation department…those trips put thousands of dollars in children’s entrance fees into the park’s coffers.” Just days after Smith, Coleman, Lackey, and Copper were not permitted to enter into Lancaster amusement parks; whites and African Americans picketed Glen Echo on June 30,

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96 Ibid., 5.
1960 in protest of the park’s segregation practices. Anticipating that the outcome of their protests would be positive, the African Americans entered the amusement park, and boarded a carousel with transferable tickets that were purchased by other individuals at an earlier date.99

At this time, Francis J. Collins, a special policeman for the National Detective Agency under the authority of Glen Echo saw the individuals board the carousel. Collins, who was paid and formally retained by Kebar Incorporated, the owners of the Park, and who upon the request of the Park was deputized as deputy sheriff of Montgomery County, informed the Park’s manager about the African Americans on the premises.100 Collins then went up to the petitioners and informed them of the Park’s policy.

Public officials…also may be unwilling to antagonize local businessmen at the insistence of members of racial or religious minorities who carry neither public prestige or political weight, and often are transient strangers, whereas the operators of the places of public accommodation are, almost always, local businessmen who are important figures in the community.”101

Collins informed the African Americans, William Griffin, Marvous Saunders, Cecil Washington, Michael Proctor, and Gwendolyn Greene, that they had five minutes to depart from the Park’s premises, and when they did not oblige, he placed them under arrest for criminal trespass. Thereafter, the African Americans were convicted in the Circuit Court of Montgomery County, and again the Maryland Court of Appeals affirmed the lower courts conviction. One of the guilty petitioners was William L.

100 Ibid., 2.
Griffin, who, positive his rights were violated, again appealed, and the Supreme Court accepted the case.

Chief Justice Earl Warren delivered the opinion of the court in *Griffin v. Maryland* on June 22, 1964. Warren explained that Collins arrested the African Americans at Glen Echo Park while wearing a sheriff’s badge and continuously referred to himself as the deputy sheriff:

> If an individual is possessed of state authority and purports to act under that authority, his action is state action. It is irrelevant that he might have taken the same action had he acted in a purely private capacity or that the particular action, which he took was not authorized by the state.  

Furthermore, the state of Maryland operated the Amusement Park under the authority of the owner, and thus enforced the owner’s policy of racial discrimination.

Warren cited *Pennsylvania v. Board of Trusts* where Stephen Girard left a trust fund to establish a college under a provision that was written in his will that explained, “only poor white male orphans” were permitted to attend the school. A trustee, the Board of Directors of the City of Philadelphia, oversaw the fund. In light of Girard’s provision, two otherwise qualified Negro applicants, Foust and Felder, were denied admission to the college. The Supreme Court determined in this case:

> The Board which operates Girard College is an agency of the State of Pennsylvania. Therefore, even though the Board was acting as a trustee, its refusal to admit Foust and Felder to the college because they were Negroes was discrimination by the State. Such discrimination is forbidden by the Fourteenth Amendment and *Brown v. Board of Education*.  

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103 Ibid., 4.
Warren elucidated that this case had to be taken into account when one thought of the extent to which the State undertook an obligation to enforce racial segregation. Moreover, in this case, it was not true that Collins was only enforcing the owners’ desire to exclude African Americans. Collins’ therefore, upon acting as deputy sheriff, was performing state action. “When a State undertakes to enforce a private policy of racial segregation it violates the Equal Protection Clause of the Fourteenth Amendment.” Thus the Supreme Court reversed the lower court’s decision ruling in favor of Griffin.\(^{104}\)

In the case of publicly-owned and operated pools, the courts have consistently ruled that the Fourteenth Amendment requires such pools to be operated without discrimination or segregation. Furthermore, the courts have refused to permit corporations to be used as a device to evade the ban of the Fourteenth Amendment.\(^{105}\)

In addition, just as Martin Luther King continuously spoke of the importance of peaceful protests, Justice Black commended the nonviolent picketing that Griffin and his counterparts demonstrated at Glen Echo. “None of our past cases justifies reading the Fourteenth Amendment in a way that might penalize citizens who are law abiding enough to call upon the law and its officers for protection instead of using their own physical strength or dangerous weapons to preserve their rights.”\(^{106}\)

African American Clifton Davis recounted the segregation he experienced as a child at Glen Echo Amusement Park, in his piece, “A Mason-Dixon Memory.” Davis explained that as a thirteen-year old, his school had an overnight field trip to visit the

\(^{104}\) Ibid., 5.
sites at the nation’s capital in Washington, D.C., and the Glen Echo amusement park. However, upon arrival to the hotel, his teachers explained to him that he would have to stay behind on the day that the class was attending the park, because it was the park’s procedure to not admit African Americans. “Without saying a word, I walked over to my bed, lay down, and began to cry…it wasn’t just missing the class adventure that made me feel so sad. For the first time in my life, I was learning what it felt like to be a ‘nigger.’” The trip to the segregated amusement facility juxtaposed the sites at the nation’s capital that were open to everyone. Wrought with emotion, Davis remembered reading the words engraved on the Lincoln Memorial, “…we highly resolve…that this nation, under God, shall have a new birth of freedom…”. Davis shuddered for he thought, “in his words and in his life, Lincoln had made it clear that freedom is not free. Every time the color of a person’s skin keeps him out of an amusement park…the war for freedom begins again.” Davis, who wrote his piece years later as an adult, is proof of the sociological and psychological affects of segregation that Warren and Pfannebecker professed: it is clear that he will carry his experience at Glen Echo with him for the rest of his life.

John F. Kennedy’s assassination in November 1963 shocked the country that was fighting for Civil Rights. Sworn in as President on Air Force One, Texan Lyndon Baines Johnson took up Kennedy’s commitment to the rights of African Americans. Civil Rights activists were wary to trust a Southerner with their potential legislation; nevertheless, in his first public address as President, on November 16,

108 Ibid., 53.
109 Ibid., 53.
1963, Johnson called on Congress and the rest of the nation for the continuation of Kennedy’s proposal for formidable Civil Rights legislation.

By means of the President’s fervent campaign in memory of Kennedy, Congress passed the Civil Rights Act of 1964, and Johnson signed it into law on July 2, 1964. The Civil Rights Act of 1964 was monumental for it fully protected African Americans in all places of public accommodation by eliminating Jim Crow, where the jurisdiction was otherwise in question. The Act provides:

All persons shall be entitled to the full and equal enjoyment of the… facilities, privileges, advantages, and accommodations of any place of public accommodation…without discrimination or segregation on the ground of race, color, religion, or national origin…the following establishments which serve the public are a place of public accommodation within the meaning of this title if its operations affect commerce, or if discrimination or segregation by it is supported by State action: any… place of exhibition or entertainment… no person shall withhold, deny, or attempt to withhold or deny, or deprive…any person of any of any right or privilege secured by this section.\(^\text{110}\)

In light of the many questions that arose in Lancaster in regard to public accommodation, the Civil Rights Act put an end to the longstanding debate. “…As President Johnson reminded the people of the nation as he signed into law the Civil Rights Law of 1964, ‘those who are equal before God shall now also be equal in the polling booths, in classrooms, in the factories, and in hotels, restaurants, movie theaters, and other places that provide service to the public.’”\(^\text{111}\) Individuals in Lancaster like the Figaris, Dillers, and Sacoolas now had the obligation, not only due to their court battles, but also by federal law, to be nondiscriminatory in their public


operations. An editorial appearing in the *Lancaster Intelligencer Journal* the day following the law’s enactment called on these business owners, and put their actions into perspective. “No man can defy the law and yet count himself a good citizen. The law places heavy reliance in state and local authorities for enforcement…and it is at the local level that the individual citizens, the business and labor leaders, the religious and civic leaders can exert their powers to insist on compliance and, if need be, enforcement of law.”

Despite the many decisions in favor of desegregation in Lancaster and the recently passed *Civil Rights Act*, the Rocky Springs owners were evidently far from eliminating discrimination from their park’s operations. In 1964 Pfannebecker again defended an African American male named Bernard Cooper in regard to an incident that occurred at the Amusement Park on July fourth of that year. The *Commonwealth of Pennsylvania v. Bernard Cooper* asserted that park owner, James Figari, and manager, Toby Cathy, accused Cooper of becoming “loud and boisterous,” to the disturbance of the public, and filed a disorderly conduct complaint against him.

Cooper allegedly located a lost girl in the parking lot of Rocky Springs Park, and upon returning to the park office with the girl in toe, offered to aid Figari and Cathy in contacting the girl’s parents. Seemingly, when the two men asked Cooper to leave, he became loud and used foul language that annoyed both the deponents and the many picnickers at the Park. Cooper was found guilty of this accusation, yet

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112 Ibid., 14.
114 Ibid., 3.
brought counter suit against his accusers for assault and battery. Cooper proclaimed that when he arrived at the Park office, the two men, upon telling him to leave, began hitting him and screaming racial profanities. Witnesses Geraldine Shivers and Christine Dorsey testified in favor of Cooper, saying that Figari and Cathy “beat him.”\footnote{“Rocky Springs Employes Face Court in Assault.” \textit{Lancaster Intelligencer Journal} 22 July 1964: 11.} Cooper proclaimed that his yelling was purely acting in his defense and was not something that he initiated. Cathy admitted that he “struck Cooper,” and “added that this occurred after Cooper became loud and vulgar, and refused to leave the park office after the parents were notified.”\footnote{Ibid., 11.}

Cooper’s outburst seems to align with the testimony delivered by expert witness Charles H. Holzinger in \textit{Lackey v. Sacoolas}, in that discriminatory actions were known to cause minority individuals to act out irrationally or aggressively. Holzinger’s declaration elucidated that segregation and other discriminatory practices, …Can have many effects. The most usual effect is that it destroys – weakens – the self-confidence and effectiveness of those against whom it is practiced. It can have other effects depending upon a wide variety of factors that would have to be analyzed in any consideration. It can give rise to rebelliousness – it can give rise to withdrawal – it can give rise to delinquent acts, which are a part of this pattern of rebellion.\footnote{\textit{Lackey v. Sacoolas Et Al.} No. 12. Court of Common Pleas Lancaster County. 23 Mar. 1962: 3.}

The Cooper incident only heightened understanding of how high tensions ran in Lancaster and across the country during this time. Thus, while the \textit{Brown} decision was the first progressive step on the ladder of desegregation, and the \textit{Civil Rights Act} provided additional help toward the top, it was the responsibility of the communities
and owners of discriminatory facilities to provide African Americans with their final boost. Nevertheless, although legislation was passed and guilty verdicts were rendered, little could be done to remove the longstanding biases present in the hearts of many Americans.

Pfannebecker regarded his desegregation work in Lancaster as a success, because it not only led to public awareness, but also to the construction of the Lancaster County public pool that opened its doors to everyone. In hindsight, however, the decision to continue operations on a segregated basis proved futile for the owners of the three Lancaster amusement parks. Located in West Lampeter Township near the “the Ward,” and by the 1950’s, the least upscale of the three parks, Rocky Springs did not comprehend who its client base was.\textsuperscript{118} Had Rocky Springs decided to integrate, it would have been feasible for their nearby racial minorities to walk to the facility. During the 1960’s, 94 percent of Lancaster’s African American population resided in the vicinity.\textsuperscript{119} Supplementary degradation occurred when the Coatesville picnic, which had been held yearly at Rocky Springs, switched locations due to the park’s discriminatory nature. In a recent interview, Rocky Springs protestor Leroy Hopkins noted that the annual Coatesville affair generated 80 percent of Rocky Spring’s income each year; therefore, the park took a noticeable financial hit after the picnic’s departure.\textsuperscript{120} Maple Grove and Brookside continued operations on a segregated basis for they maintained their prerequisite membership applications.

\begin{footnotes}
\item[118] Ibid.
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However, when attendance to both parks declined, so too did the maintenance to the pools, so eventually the pools closed their doors for lack of sufficient funding.

Forty-five years later, the debate over the decline of the three facilities in Lancaster still remains, and evidently, just as Warren and Pfannebecker predicted, the wounds of the past are still open. In a recent article published in the *Lancaster Sunday News* in regard to the three facilities, the opportunity was open for the public to post anonymous online comments about their memories of the parks. One woman explained, “It wasn’t ‘desegregation’ that did in the swimming pools. It was the reaction to desegregation by narrow-minded people, who couldn’t bring themselves to respect the rights of all people.”

Furthermore, another man said that although the Lancaster County pool opened, many people “won’t swim in it for fear of encountering ‘brown trout.’”

Despite the opening of the County pool, today, Pfannebecker remains disturbed with the owners of the three Lancaster pools. “But on the other hand it was frustrating,” he recalls. He continued his disappointment when he explained:

Because they didn't open their pools (to African Americans), I mean they didn't deal with it. They felt that their businesses would just go to Hell I guess or whatever. My recollection was that they just said, ‘I'll go out of business before I open them up.’ It was tragic in some ways. But they built the county pool and it's a nice pool. It's an integrated pool.

Continuous debate exists today, for a contingency of nostalgic Lancaster residents are petitioning to have the famous Rocky Spring’s Gustav Denzel carousel

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122 Ibid., 1.
124 Ibid.
returned to the center of the city. Ron Ford, former protestor at the park explained he has “residual bad feelings” about the carousel’s return: “I have never felt excited about that...Maybe it’s because it was a reminder [of the segregated pool].”

Consequently, even in the aftermath of the Civil Rights Act, there still survives a generation of individuals who remember and were affected by segregation, and even now there are persons who are reminiscent of the era prior to its decline. Alas, while Pfannebecker was victorious in his cases in Lancaster and while the Civil Rights Act put an end to legalized segregation, they both did not halt individual bigotry. Nevertheless, in retrospect, sincere progress has been made, and the fight that Pfannebecker, the Freedoms Committee, and the NAACP endured in Lancaster, initiated the progress that was vitally important in instituting desegregation practices throughout the country.

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