

# Half Million Dollar Suit Demands End of Jim Crow

## BALTIMORE

Representing what is probably the strongest civil rights action ever taken in Maryland, a \$500,000 suit demanding an end to segregation in all phases of municipal sports and recreation was filed, Thursday, in U.S. District Court.

The suit was filed under the Federal Civil Rights Act (Civil Rights Acts of April 9, 1866, May 31, 1870; and April 20, 1871. Revised Statistics of the United States, Section 1977 through 1980, 8 U.S.C.A. 41 et seq.) and under the U.S. Constitution, and particu-

larly Article 14, Section 1 of it.

Used effectively in the restrictive covenant cases, the Federal civil rights act has never been used in an athletic case, legal experts said. The suit itself was filed mainly by white persons, most of whom are members of the Wallace group.

The defendants include every member of the Park and Recreation Board, the director of parks and recreation, the superintendents of the bureaus of recreation and

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parks, the police who arrested 22 interracial tennis players, the mayor and the City Council.

Each member of the Park and Recreation Board, with the exceptions of Dr. Bernard Harris and Dr. J. Ben Robinson, school board representative, is sued individually and in his official capacity.

## Suit Interracially Backed

Those suing are the managers of an interracial basketball team suspended from league competition by the park board, 15 of the persons charged in the tennis case and a white man who was turned away from a golf course on a day designated for use by colored players.

The litigation, filed under the Civil Rights Acts and the U.S. Constitution, asks the court to restrain

permanently all city officials and boards concerned from doing the following:

Segregating any one person or groups in the use of public park and recreational facilities; interfering in the use of public parks and facilities by anyone with rights and privileges; and formulating or enforcing any regulation forbidding interracial sports.

## Ask Equal Protection of Laws

It further asks that the defendants be enjoined from conspiring to deprive any person or class of persons of the equal protection of the laws.

Attorneys who filed the suit are I. Duke Avnet, who also represents the tennis players in the suit now pending at Criminal Court; Edgar Paul Boyko, William H. Murphy and Dallas F. Nicholas.

Mr. Avnet declared that they are ready to take both cases (including the criminal charge) to the Supreme Court of the United States.

## Basketball Case First

First count in the District Court litigation contains the account of the interracial basketball team organized last year by Philip Boyer and James Crockett.

Pointing out that the team was enrolled according to regulations of the division of amateur sports of the Department of Recreation and Parks, the suit then charges that games of the team were suspended by order of park and recreation officials because of the presence of two colored players.

Because the players were "deprived under color of a rule, regulation . . . of the Board and Department of Recreation and Parks of their right to participate as a team in municipal sports," the suit asks \$45,000, with interest and costs.

Second count is based upon the arrest of the tennis players on July 11, when they staged interracial tennis matches in Druid Hill Park.

In on this section of the action is Harold Buchman, attorney and State director of the Progressive Party of Maryland, who has also been charged with conspiracy to riot in a criminal indictment, along with the players.

For these arrests and the criminal court action, the suit asks \$200,000, with interests and costs.

## Golf Course Barrier Third

Third count outlines that on Aug. 11, Martin L. Dean, a white man, sought to play golf at Clifton Park and was refused, because the day had been reserved for colored players in accordance with the segregation schedule adopted by the Park and Recreation Board.

Judgment asked in this count

is \$5,000 with interest and costs.

## Conspiracy Count Fourth

Fourth count charges that the defendants, or "two or more of them," conspired to deprive the suing parties of the equal protection of the laws. This count lists a requested judgment of \$250,000 with interest and costs.

Fifth and final count charges that the defendants, their officers, agents and employees "are now threatening to continue and are actually continuing" in their "damage" to the civil rights of the plaintiffs. The suit is listed under Civil Action No. 4152.

## Defendants Named

Defendants include:

Robert Garrett, chairman of the Park and Recreation Board; S. Lawrence Hammerman, vice-president; members J. Marshall Boone, R. Wilburt Marsheck, Weston B. Scringer, Dr. Bernard Harris and Dr. J. Ben Robinson;

R. Brooke Maxwell, director of recreation and parks; Charles A. Hook, superintendent of parks; Harold S. Callowhill, superintendent of recreation; Fred Crosby, director of municipal sports; Fred Leidig, recreation supervisor;

Capt. Gordon Gaeng of the Park Police; Park Officers Willard Livingston and James C. Robertson; Mayor D'Alesandro and the City Council.

## Instigators of Suit

Those suing are:

Philip Boyer, James Crockett, Stanley Askin, Albert Blank, Leonard Collidge, Mary Coffee, Jeanette Fino, Mildred Freishtat; James F. Gross, Maceo P. Howard, Morris Kalish, Louis H. Pinkney, James E. Robertson, Gloria Stewart, Royal Weaver Jr., Irwin Winkler, Harold Buchman and Martin L. Dean.

In cases where the plaintiffs are minors, they are suing through their parents.