

# Equal Rights In Parks

## Mencken Calls Tennis Order Silly, Nefarious

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When, on July 11, last, a gang of so-called Progressives, white and black, went to Druid Hill Park to stage an inter-racial tennis combat, and were collared and jugged by the cops, it became instantly impossible for anyone to discuss the matter in a newspaper, save, of course, to report impartially the proceedings in court.

The impediment lay in the rules of the Supreme Bench, and the aim of the rules is to prevent the trial of criminal cases by public outcry and fulmination. I am, and have always been, in favor of that aim. I was in favor of it, in fact, long before any of the judges now extant arose to the bench from the underworld of the bar, and I argued for it at great length in the columns of the Sunpapers.

But four months is a long while for journalists to keep silent on an important public matter, and if I bust out now it is simply and solely because I believe that the purpose of the rule has been sufficiently achieved. The accused have had their day in court, and no public clamor, whether pro or con, has corrupted the judicial process. Seven, it appears, have been adjudged guilty of conspiring to assemble unlawfully and fifteen others have been turned loose.

To be sure, the condemned have petitioned the Supreme Bench, sitting *en banc*, for new trials, but it is not my understanding that the rule was designed to protect the reviewing lucubrations of the Supreme Bench. I simply can't imagine its members being swayed by newspaper chit-chat: as well think of them being swayed by the whispers of politicians. Moreover, I have no desire to sway them, but am prepared to accept their decision, whatever it is, with loud hosannahs, convinced in conscience that it is sound in both law and logic. As for the verdict of Judge Moser below, I accept it on the same terms precisely.

But there remains an underlying question, and it deserves to be considered seriously and without any reference whatever to the cases lately at bar. It is this: Has the Park Board any right in law to forbid white and black citizens, if they are so inclined, to join in harmless games together on public playgrounds? Again: Is such a prohibition, even supposing that it is lawful, supported, by anything to be found in common sense and common decency?

I do not undertake to answer the first question, for I am too ignorant of law, but my answer to the second is a loud and unequivocal No. A free citizen in a free state, it seems to me, has an inalienable right to play with whomsoever he will, so long as he does not disturb the general peace. If any other citizen, offended by the spectacle, makes a pother, then that other citizen, and not the man exercising his inalienable right, should be put down by the police.

Certainly it is astounding to find so much of the spirit of the Georgia Cracker surviving in the Maryland Free State, and under official auspices. The public parks are supported by the taxpayer, including the colored taxpayer, for the health and pleasure of the whole people. Why should cops be sent into them to separate those people, against their will, into

separate herds? Why should the law set up distinctions and discriminations which the persons directly affected themselves reject?

If the park tennis courts were free to all comers no white person would be compelled to take on a colored opponent if he didn't care to. There would be no such vexatious and disingenuous pressure as is embodied, for example, in the Hon. Mr. Truman's Fair Employment Practices Act. No one would be invaded in his privacy. Any white player could say yes or no to a colored challenger, and any colored player could say yes or no to a white. But when both say yes, why on earth should anyone else object?

It is high time that all such relics of Ku Kluxery be wiped out in Maryland. The position of the colored people, since the political revolution of 1895, has been gradually improving in the State, and it has already reached a point surpassed by few other states. But there is still plenty of room for further advances, and it is irritating indeed to see one of them blocked by silly Dogberrys. The Park Board rule is irrational and nefarious. It should be got rid of forthwith.

Of equal, and maybe even worse irrationality is the rule regarding golf-playing on the public links, whereby colored players can play on certain links only on certain days, and white players only on certain other days. It would be hard to imagine anything more ridiculous. Why should a man of one race, playing *in forma pauperis* at the taxpayers' expense, be permitted to exclude men of another race? Why should beggars be turned into such peculiarly obnoxious choosers?

I speak of playing *in forma pauperis*, and that is precisely what I mean. Golf is an expensive game, and should be played only by persons who can afford it. It is as absurd for a poor man to deck himself in its togs and engage in its witless gyrations as it would be for him to array himself as a general in the army. If he can't afford it he should avoid it, as self-respecting people always avoid what they can't afford. The doctrine that the taxpayer should foot the bills which make a bogus prince of pelf of him is New Dealism at its worst.

I am really astonished that the public golf links attract any appreciable colored patronage. The colored people, despite the continued efforts of white frauds to make fools of them, generally keep their heads and retain their sense of humor. If there are any appreciable number of them who can actually afford golf, then they should buy some convenient cow-pasture and set up grounds of their own. And the whites who posture at the taxpayer's expense should do the same.

In answer to all the foregoing I expect confidently to hear the argument that the late mixed tennis matches were not on the level, but were arranged by Communists to make trouble. So far as I am aware this may be true, but it seems to me to be irrelevant. What gave the Communists their chance was the existence of the Park Board's rule. If it had carried on its business with more sense they would have been baffled. The way to dispose of their chicaneries is not fight them when they are right.