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Citizen Engagement in Aquatics Equity: The Case of Winston Waterworks

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Citizen Engagement in Aquatics Equity: The Case of Winston Waterworks

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Abstract

Historically, swimming pools have been a source of inequity when it comes to the distribution of recreation services in the United States. Many of the problems that correlate with the inequitable allocation of recreation resources including public swimming pools began with ideas about race, geography, poor planning practices and faulty policymaking (Rothstein, 2017). Moreover, one of the primary outcomes of engaged, inclusive planning is equity in the provision of recreation programs and facilities. In this essay, we offer a summary of key legal cases that help address questions related resource allocation related to public swimming pools. Finally, we present a short case study on the Winston Water Works Project in Winston-Salem, North Carolina. This case illustrates the power of grassroots level advocacy, engaged community planning, and policymaking that protects the recreation infrastructure in a community and moves the needle of social justice toward equity. Our principle interest in this paper is in the equitable provision and distribution of aquatics programming and facilities.

Keywords: aquatics, equity, planning, recreation resource allocation, citizen involvement

Introduction

Historically, swimming pools have been a source of inequity when it comes to the distribution of recreation services in the United States. Academics such as Holland (2002), Rothstein (2017), Wiltsie (2007) and Waller and Bemiller (2018) chronicle the problematization of public swimming pools. Many of the problems that correlate with the inequitable allocation of recreation resources including public swimming pools began with ideas about race, geography, poor planning practices and faulty policymaking (Rothstein, 2017).

The achievement of equity in the distribution of public resources is a goal of paramount importance to planners. Equitable distribution entails, among other things, locating resources or facilities so that as many different spatially defined social groups as possible benefit—i.e. have access. For planning purposes, what is of paramount importance is that planners and their constituents understand what distributional principles underlie any geographic arrangement of public resources. Talen (1998) and Lucy (1981) suggested that one way in which planners and administrators can move toward greater levels of equity in communities is through “equity maps” of resource distribution.

Equity or “opportunity mapping” affords citizens and policy makers the opportunity to visually see the “the numbers” relative to economic and community investment in unambiguous visual terms (HUDUser.gov, 2019). This tool aids municipalities, and their respective operating departments (e.g., parks and

recreation departments), housing advocates, and community groups in making the case for targeting investment in ways that improve access to opportunity. The tool can be used by communities to guide key policymaking decisions, such as transit expansion and creation or preservation of affordable housing near quality schools, job centers, and recreation areas and facilities. Ultimately, it is an important tool in creating sustainable communities. The method exploits the visualization capabilities of Geographic Information Systems (GIS), which allow interactive exploration of the spatial relationships between public facilities and socioeconomic characteristics (Nicholls, 2001). Moreover, it provides planners, administrators, and policymakers with a mechanism by which a pictorial inventory can be taken of former and present recreation facilities. This cataloguing of facilities, in many cases, leads to community discussions about disparities and the need for the equitable allocation of recreation resources.

Photo 1, featured below, illustrates the type of decimation that occurs when public swimming pools are abandoned due to budget and policy decisions or demographic shifts that occur in once densely populated areas. Unfortunately, the abandonment of swimming pools, especially in urban areas, becomes a significant marker for the progressive decay of urban communities.



Figure 1. Urban decay: Abandoned swimming pools | Credit: Urban Ghosts

Purpose

The purpose of this educational essay is to examine the importance of citizen involvement in the processes related to recreation planning and resource allocation (e.g., budget) processes. Citizen engagement is a meaningful first step in the equitable allocation of recreation resources in local government (e.g., cities, counties and special districts). Moreover, one of the primary outcomes of engaged, inclusive planning is equity in the provision of recreation programs and facilities. In this paper, we present a short case study on the Winston Water Works Project in Winston-Salem, North Carolina. This case illustrates the power of grassroots level advocacy, engaged community planning, and policymaking that protects the recreation infrastructure in a community and moves the needle of social justice toward equity. Our principle interest in this paper is in the equitable provision and distribution of aquatics programming and facilities.

Significance of this Essay

This educational essay is important because it directly addresses the issue of equity in aquatics. Often discussions around equity occur in the context of discrimination in recreation participation and opportunities in recreation systems. Challenges associated with aquatics equity are often not given the primacy they deserve after being cloaked by other topics in a broader discussion on equity. Moreover, an examination of the Winston Waterworks Project provides a point of operational optimism that points to the positive outcomes that can be achieved when community advocates and government officials work toward rectifying equity challenges. The question we address in this essay is: what is the role of citizen engagement in the equitable allocation of aquatic resources in the Winston Waterworks project?

Review of Literature

Equity in the Delivery of Recreation/Aquatic Services

The equitable allocation of park and recreation resources has been a topic of concern among scholars and practitioners for some time (Crompton & West, 2008; Lucy & Mladenka, 1980; Wicks & Crompton, 1989). Wicks and Crompton (1989) posit there are five critical factors that contribute to the growing interest in equity in the allocation of resources for recreation services. First is the financial stress that municipalities that provide recreation services (including aquatics facilities and programming) are under. In periods of declining tax revenues, frequently administrators are faced with difficult decisions about reductions in service packages. For example, in the case of aquatic services, this could translate into the closure of swimming pools and the curbing of instructional programs.

A second factor increasing the awareness of equitable service allocation is the informed nature of voters and citizen groups within communities. Community

residents place a high value on programs such as swimming initiatives that contribute to the well-being of the individual through physical activity, help to prevent drownings among vulnerable and underrepresented groups (Jin, Lee, & Baumgartner, 2019; Storm et al., 2017) and help to stabilize communities (Gulam, 2016; Keita, Hannon, Buys, Casazza, & Clay, 2016).

Thirdly, the mechanisms for measuring the benefits of services such as aquatic programming have improved markedly, thus meaningful data becomes central to micro and macro level planning processes. For example, comprehensive recreation master plans that are written for local political jurisdictions guide capital budgeting, grant seeking, and community development endeavors by departments in local government. In essence, planning data will help to determine “who gets what, when, and why.”

A fourth element that has entered the discussion about service allocation decision making is the increased number of models that are utilized. Each model is potentially laden with equity decisions. For example, the privatization of aquatics facilities and programming and joint ventures with non-profit or private sector organizations are not uncommon. These strategies have historically augmented tax supported aquatic and other recreation services.

The final factor relating to equity that is of primacy to policymakers is the potential for litigation by citizen stakeholders when decision-making on the part of elected officials and local government administrators adversely affects communities (Wickes, 1987; Wicks & Crompton, 1986). This is especially true of communities of color.

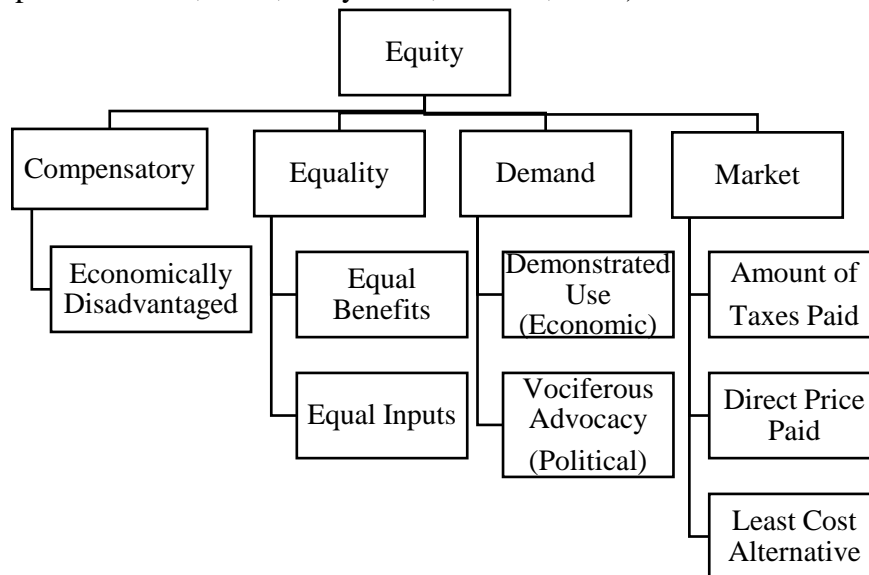
Taxonomy of Equity Models

Equity based on equality within recreational services can be operationalized in one of two ways. The allocation of inputs to services in an equal manner, regardless of geographic area or the socio-economic characteristics of residents, is analogous to the notion of equal opportunity. All areas and residents receive equal facilities, whether measured in terms of expenditure, person-hours, or numbers of features. Output equality, in contrast, requires “equality of condition after receipt of service” (Lineberry & Welch, 1974, p. 709). It measures the benefits received by residents as a result of public service provision. Paradoxically, input equality seldom results in output equality, and vice versa, hence the notion of equality is compromised either way. Nevertheless, as demonstrated by Wicks and Crompton (1986, 1987) support for this approach to service provision is relatively high among US park and recreation departments, city council members, and the general public, a finding the authors attribute to prevailing traditions of equality and freedom of choice, and political and legal expediency.

A compensatory, or need-based, approach to equity implies, as Lucy (1981, p. 448) notes, “that unequals should be treated unequally.” Thus, disadvantaged residents of areas are awarded extra increments of resources to provide them with opportunities that they might not otherwise have had. The role of the public sector is, therefore, to redistribute resources in a compensatory manner. While the identification of “disadvantaged” or “needy” groups may be subject to debate, they are usually designated according to socio-economic criteria such as income. Demand, as a conceptual basis for achieving equity, involves rewarding those who demonstrate an active interest in a service or facility, whether through use (the economic model) or vociferous advocacy (the political model). The notion of producing goods and services to meet consumers’ demands is grounded in microeconomic theory; elected officials who see it as an appropriate means by which to improve their public accountability also often favor this approach.

The final group of equity models illustrates the potential influence of market forces on service distribution. Allocation of resources according to the amount of taxes paid, willingness to pay (e.g., an entrance or user fee), or the least cost alternative are included in this category. In this case, a compensatory or need-based approach to the equitable provision of public leisure services was adopted. The least advantaged were defined according to the socio-economic characteristics of age, income, race/ethnicity, and population density of area of residence. The groups considered most in need with regards to the provision of public leisure services and facilities were, thus, the young, the elderly, minorities, and those living in areas of higher population density. Figure 1 illustrates an equity model for the equitable delivery of leisure services.

Figure 1. A taxonomy of equity models for delivering public leisure services (Crompton & Wicks, 1988; Lucy 1981; Nichols, 2001)



Heuristic Framework: Community Engagement

McNabb (2009) posits that if local government’s aspiration is to be a transformative agent for the people it serves, then active, transparent citizen engagement strategies must be employed. Most importantly, these engagement efforts must be designed to be sustainable.

Levinson (2010) suggested that being a “good citizen” is one of the hallmarks of effective communities and holding government officials accountable. She stated that,

One virtue of this characterization of good citizenship, and hence of good civic education, is that it is capacious without being simplistic. Within this definition, good citizens may be those who vote, protest, boycott, run for office, join political parties, join civic organizations, commit acts of civil disobedience, circulate e-mail petitions, write influential political blogs, “tweet” or text message about political events being kept under a news blackout, and attend neighborhood council meetings. Good citizens may not, however, merely keep to themselves; simply not being a burden to others is not sufficient for good citizenship. (p. 317)

Furthermore, Levinson (2010) surmised that people’s decisions to participate in civic life are at least partly determined by their attitudes or whether they believe that: (1) people can influence government (political efficacy); (2) they themselves can impact government (individual efficacy); (3) everyone has a responsibility to

participate (civic duty); and (4) everyone is part of a local community (civic identity). Moreover, all of these pro-community attitudes are disproportionately correlated with both race/ethnicity and class (Levinson, p. 325).

Engaging community leadership through community-based organizations, faith-based organizations, schools, community centers, or direct outreach can encourage a sense of ownership and stewardship of existing, redesigned, or new recreation spaces. Many recreation departments have developed advisory committees at the neighborhood level to facilitate these decision-making processes. When a community becomes a stakeholder in shaping the identity of a recreation space such as an aquatics facility, its buy-in increases and the aquatics complex is better utilized (Garrett & Stark, 2017). One tool for increasing “buy-in” is permitting citizens to participate as partners in the allocation of resources that will ultimately affect their community.

Participatory budgeting is a second strategy that has proven useful in catalyzing citizen engagement with local government to ensure public funding decisions are equitable. For example, in Minneapolis, Minnesota the park and recreation agency allocated funding to create community advisory committees to engage residents in an ongoing and meaningful way. Recreation system administrators and managers drafted strategies collaboratively with the community (Garrett & Stark, 2017; Zhang, Warner, & Homsy, 2017) to address issues surrounding the disparate delivery of recreation services. This action helped to create a renewed sense of trust and was a significant first step in the process of citizen engagement. The utilization of community advisory boards as the “voice of the neighborhood” is an effective tool that has been used since the Urban Renewal Movement in the 1960s (Nestico & Sica, 2017; Silverman, 2003; Zhang et al., 2017). There is a need for more innovative ways to spur citizen engagement now and into the next decade. Perhaps one partial solution is to utilize strategies that allow for the convergence of active neighborhood residents with technology—“crowdsourcing.”

Crowdsourcing as Citizen Engagement

Crowdsourcing in policymaking has been lauded as a democratic innovation that holds potential for contributing to a more participatory democracy (Chen & Aitamurto, 2019). It is the practice of obtaining information or input into a task or project by enlisting the services of a large number of people, either paid or unpaid, typically via the Internet (Taeihagh, 2017). In crowdsourcing, governments ask citizens to put forth their ideas, knowledge, and opinions regarding a policy (Aitamurto & Landemore, 2016; Noveck, 2015).

Crowdsourcing, when conducted on digital platforms, has a dual advantage over many other civic engagement practices in that it reaches citizens in large numbers and at low cost. More recently, crowdsourcing has been introduced to democratic practices such as policymaking (Aitamurto, 2012). In crowdsourced policymaking, the goal is to use the crowd’s input as an additional data point in the policymaking process, not to adopt all of the crowd’s suggestions.

Crowdsourcing can also contribute to a more responsive, collaborative, and transparent relationship between government and citizens in the hope of decreasing the “democratic deficit” facing representative governance (Fung, 2006). In essence, participatory practices can lead to governance that is more effective by advancing the public good and achieving a fairer and more equitable distribution of public services. In this case, the area of focus is aquatics programming and facilities provided by local government recreation agencies. Figure 2 provides a representation of the process of impactful community engagement.

—————→ INCREASING IMPACT ON DECISION-MAKING ←————

Informing	Consulting	Involving	Collaborating	Empowering
Providing balanced and objective information about new programs and services, and about the reasons for choosing them. Providing updates during implementation	Inviting feedback on alternatives, analyses, and decisions related to new programs or services. Letting people how their feedback has influenced program decisions	Working with community members to ensure that their aspirations and concerns are considered at every stage of planning and decision-making. Letting people know how their involvement has influenced program decisions	Enabling community members to participate in every aspect of planning and decision-making for new programs or services.	Giving community members sole decision-making authority over new programs or services, and allowing professional to service only n consultative and supportive roles

Figure 2. The spectrum of community engagement

Adapted from the IAP2 Public Participation Spectrum developed by the International Association for Public Participation (Bobbio, 2019)

Note: Engagement activities can include community surveys, neighborhood outreach projects, partnerships with grassroots organizations, public meetings, and efforts to select community representatives.

The Political Side of Resource Allocation Decision-Making

Caro (1974) does a masterful job of portraying how administrators that remain unaccountable to government and the citizenry can control both planning and financial resources to accomplish their own agendas. Such was the case with former New York-based city administrator Robert Moses whose feelings about race, geography, and the idea of “separate but equal,” drove many of his decisions. “Separate but Equal” would later become a contested legal doctrine that would be struck down in federal court by the *Brown v. Board of Education* decision. History bears out that his disdain for people of color and any efforts to usher in both equity and equality, drove the abundance of his decisions about aquatic resources including swimming pools, beaches and aquatics programming.

Haber (2019) chronicled many of Moses’ “checkered” accomplishments that related to the allocation of aquatics resources.

He built Jones Beach, the greatest public beach the world had ever seen. But when it opened, Moses wanted its visitors to only be white. To keep African Americans out, he built the parkway overpasses too low for buses, knowing full well that at the time most African Americans did not own cars. He worked to ensure black war veterans could not move into Stuyvesant Town. He removed language in the city contract for its development that would have prevented discrimination. Under the guise of urban renewal, 7,000 African Americans and Hispanics were evicted from a diverse, working-class neighborhood for the construction of the Lincoln Center. Promised relocation assistance from Moses’ Slum Clearance Committee never came. Those displaced ended up in the Bronx and Harlem, further segregating New York City.

Haber further stated,

In 1936, Moses built 11 enormous pools across the city, but had no intention of permitting minorities to use them. He purposely set those built in Harlem to colder temperatures, believing, for whatever reason, that African Americans didn’t like to swim in cold water. He adorned the wrought-iron trellises in northern Manhattan parks with images of monkeys, while parks in white communities featured curling waves on their trellises.

For as much as the antics and accomplishments of Moses are celebrated by some, his legacy epitomizes why citizen engagement and accountability matter even more in the modern era.

The Pragmatics of Recreation Policymaking

First, the harsh reality is that public recreation organizations are “closed” rather than “open system” organizations where the emphasis is on adhering to rules and regulations, with parameters that allow only limited discretionary action. Second, the community is best served when elected officials, managers and employees pursue the interest of the collective public, rather than their self-interests. Third, rather than voluntary exchange, residents in a community are coerced through the tax system to pool their resources to a central authority, which then redistributes them (Novatorov & Crompton, 2001a, 2001b). This means that equity outcomes are inherent in the political implementation of decisions associated with each of these three prescriptive actions. Thus, every time a budget allocation is made or an administrative rule or procedure is formulated, it has equity implications.

Unfortunately, malevolent practice in resource allocation decision making may sometimes lead to “unequal access” to opportunities, namely aquatics programming and facilities in communities as Dawson (2006) and Wiltsie (2014) aptly note. When the equity issues in a community escalate, the next battleground becomes a court of law (Rothstein, 2017; Waller & Bemiller, 2018; Wiltsie, 2007).

The Legal Mandate

Expanding Legal Burdens of Proof

Litigating the rights of minorities and the need for accessible recreational swimming facilities has brought mixed results. A strong court mandate could have given public administrators the impetus to push for meaningful planning and reforms in quality access to public swimming facilities, historically. Unfortunately, the leading pool desegregation cases have brought mixed results and dissatisfying consequences. The uniquely intimate nature of public swimming facilities has presented itself as a last vestige of resistance to the desegregation of recreational facilities in the United States. The lack of access to facilities and learn to swim programs has manifested itself into a critical social and safety issue for the Black population.

According to the Centers for Disease Control and Prevention (CDC) drowning is a leading cause of unintentional injury or death among children and adolescents in the United States (n.d.). Whereas worldwide there is a correlation between gender, income, education, and limited swimming skills, Black children in the United States, without regard to age or income, are up to five times more likely to drown than White children. Further, Black youth between five and nineteen are 2.3 times more likely to drown than White youth of the same age. Almost seventy percent of Black children have no or low swimming ability. These statistics have not changed significantly over the past twenty years (CDC, n.d.). Furthermore, Banks (2014) concludes that a major factor for the difference in Black

and White drowning rates is the lack of swimming facilities available to Black youth.

Civil Rights litigation from the 1950-70's gave mixed results for advocates using the court system to gain public swimming opportunities for minority populations. The 1954 landmark U.S. Supreme Court decisions desegregating public schools, *Brown v. Board of Education*, and the 1955 affirmation by the Supreme Court of the desegregation of Baltimore City Pools in *Dawson v. Mayor and City of Baltimore*, relied on the Equal Protection Clause of the Fourteenth Amendment to the U.S. Constitution. Presumably, these legal victories would have led to municipalities operating desegregated public swimming facilities, but in general, this was not the effect. Instead, administrators in the southern states closed public pools rather than integrate, evidencing a deep-seated bigotry associated with sharing such public spaces. When the pools were desegregated and remained open, white patrons fled to private swim clubs or neighborhood 'association' pools (Banks, 2014). Unfortunately, these civil rights legal victories were effectively counterproductive in providing desegregated public swimming opportunities.

The Supreme Court offered no relief for disenfranchised black citizens in its now infamous decision in *Palmer v. Thompson* (1971). Citizens of Jackson Mississippi, buoyed by the legal victories in *Brown* and *Dawson*, sought a declaratory judgment in Federal District Court to desegregate the public recreational facilities in Jackson. The U.S. District Court found the city's segregated recreational facilities, including five swimming pools, violated the Fourteenth Amendment's Equal Protection Clause and the Court of Appeals affirmed (*Clarke v. Thompson*, 1962).

In compliance with the courts' ruling, the city of Jackson desegregated its public recreation facilities, parks, golf courses, and zoo but refused to integrate the pools. The city ceased operation of its five pools effectively denying all citizens the opportunity to use these swimming facilities. Black citizens filed a new federal suit demanding that the city reopen the pools on a desegregated basis. The Federal District Court and the 5th Circuit Court of Appeals accepted the city's rationale that the desegregated pools could not be operated economically and would create a threat of violence from the 'redneck' white population. (Palmer, 1969). The U.S. Supreme Court affirmed the stance of the city of Jackson and the lower courts. In a 5-4 decision, the majority agreed the city did not have an affirmative duty to operate public swimming facilities and the administrators' decision to close the pools denied blacks and whites equally. The Court accepted the city's rationale based on hypothetical fears of violence and economic losses as reasonable and did not constitute a violation of the Equal Protection Clause (*Palmer v. Thompson*, 1971). The citizens' argument was that this was a thinly veiled attempt to continue a long-

standing separation of the races, especially in the intimate setting of public pools. Justice White's dissent (joined by Justices Douglas, Brennan and Marshall) drove to the central prejudice underlying the city's decision,

The fact is that closing the pools is an expression of official policy that Negroes are unfit to associate with Whites. Closing pools to prevent interracial swimming is little different from laws or customs forbidding Negroes and Whites from eating together or from cohabitating or intermarrying (citations omitted). The Equal Protection Clause is a hollow promise if it does not forbid such official denigrations of the race the Fourteenth Amendment was designed to protect. (*Palmer v. Thompson*, 1971, p. 239-240).

The Supreme Court's decision to treat public pools differently than parks, schools, theatres, or other public recreation spaces helped precipitate the decline of public pools in minority neighborhoods. When desegregated pools were mandated by the courts, white flight to private swim facilities increased. Harvard law professor Randall Kennedy (2018) wrote,

Palmer is a judicial injustice. In *Palmer*, as in more notorious delinquencies such as *Plessy v. Ferguson* and *Korematsu v. United States*, the Supreme Court and tribunals below showed themselves to be unreliable sentinels when it came to recognizing racist abuses of power. The Court later expressly repudiated *Plessy* and *Korematsu*. It has also jettisoned parts of *Palmer's* rationale. But the Court has never rejected *Palmer's* holding, which remains 'good law,' potentially influencing what counts as valid governmental action. (pp. 179-180)

Direct litigation of pool desegregation was not the solution to discriminatory lack of swimming opportunities for underrepresented communities.

Moving forward from the unfulfilled promise of *Palmer*, courts have taken a more in depth and nuanced investigation of equitable allocation of recreational and leisure resources. Conflicts over the actual or perceived inequities in recreational resource allocation have moved beyond the speculative threats of potential violence and expected economic losses discussed in *Palmer*. Most disputes now center on macro distribution and planning for recreational activities within a community. Plaintiffs still rely on the Equal Protection guarantees of the Fourteenth Amendment and the nondiscrimination tenants it promises. In the watershed, public service allocation Fourteenth Amendment case, *Hawkins v. Shaw* (1971) the Fifth Circuit Court of Appeals ruled, "it is not necessary to prove intent, motive or purpose to discriminate...the arbitrary quality of thoughtlessness can be disastrous or unfair..." (p. 1292). Because of this case, unlike *Palmer*, the hard to prove "intentional discrimination" of city administrators was no longer required in

equitable distribution cases. Instead, plaintiffs only needed to prove unequal service allocations. The proof of discriminatory intent required by courts has vacillated in subsequent decisions, but more importantly, the modern trend is moving to a thorough investigation of resource input and distributional outcomes of services.

In their article, Crompton and West (2008) discuss the legal imperatives that courts must try to address concerning the evolution of the analysis of equity in the context of resource allocation and compares leisure resource allocation to environmental justice reasoning in Environmental Protection Agency (EPA) cases dealing with the fair distribution of environmental risks across communities. The authors posit three implications for allocation of leisure services: (1) balancing equity requires set procedures to delineate fair allocation through policy, goals and statutes as well as metrics to show distributional outcomes; (2) Science and empirical findings should replace hypothetical conjecture and emotional debate; and (3) community administrators should be required to show equitable treatment of all residents and these administrators should be required to empirically prove their efforts (Crompton & West, 2008).

As courts increasingly expect more quantifiable evidence of service allocation patterns plaintiff citizens and defendant administrators have become adept at presenting in depth proof to argue their positions. As the sophistication of these cases evolved, both input and output evidence of effective resource allocation emerged. Input being evidence of the resources expended to provide leisure services, while output measures the quality of service delivery to the public. Again, Wicks (1987) presents an excellent example of the evolution of complexity in reasoning as the court addressed the issue of equitable allocation of resources. Wicks tracked the increasing complexity of data courts were interested in to answer the issue of allocation equity. In *Beal v. Lindsey* (468 F.2d 287[d Cir. 1972]) the court was satisfied with looking at the inputs of distribution of agency resources in neighborhoods to determine equitable distribution of resources. *Burner v. Washington DC*, CA 242-71(1972) went even further to present both input and output metrics to explain municipal recreation and park service allocations.

In the *Burner* case, five measures of equal treatment-capital expenditures, operating expenditures, quantity of opportunities, quality of opportunities, and utilization rates-were applied across recreation and park services for two racially distinct neighborhoods. It is important to note that in *Burner v. Washington, DC*, the effectiveness of service delivery was examined for the first time. Evidence was presented for two measures of quality (outputs): 1) accessibility to facilities or programs; and 2) the results of a citizen survey that rated service quality. (Wicks, 1987, p. 4)

Litigation often ensues because of the different perspectives of the citizen and administrator stakeholders. Municipalities may rely on input values and resources spent to evaluate allocation of recreational resources, as opposed to the public, whose perspective is focused on output values such as quality of programming and aesthetic appearances (Wicks, 1987). As these brief examples of the courts' perspectives on leisure resource cases have shown, judges are requiring more specific and detailed proof to quantify resource allocation. Practitioners should be mindful of this heightened burden of proof and develop the processes and mechanisms to gather the needed data and be prepared to show the equitable distribution of services. Engaged citizens will also use these more sophisticated mechanisms to show inequities in services, such as aquatic facilities and programming.

The Case of Winston-Salem Water Works

Backstory

The history of African Americans in Winston-Salem is deeply rooted in the philosophy that hard work and determination can bring forth transformation and innovation. Winston-Salem, North Carolina has a population of 229,617 people with 117,600 (51%) self-identifying as White; 79,598 (34.0%) as Black/African American; and 33,753 (14.0%) as Hispanic/Latino (Suburbanstats.org, 2019). According to U.S. News and World report, Winston-Salem is ranked #31 in the "Best Places to Live" and #45 in "Best Places to Retire" categories (U.S. News and World Report, 2018).

In late 1753, the first settlers of the Moravian church arrived in North Carolina, and selected an area along the Wachovia tract as their new settlement. Over the next decade, thousands of Moravian colonists settled in the Bethabara community, expanding into towns that established into present-day Forsyth County (Crews, 2006). The largest populated city in Forsyth County is Winston-Salem. Winston-Salem was formed in 1913 from the consolidation of the towns of Winston (established in 1849) and Salem (established in 1766) (Case, 2010).

Currently, a majority of the African American population resides in the East-Northeast Wards of the city. Winston-Salem's distinctive African American history was a result of the extraordinary boom period in the city at the close of the nineteenth century and in the early years of the twentieth century when the tobacco industry began its exceptional growth (Oppermann, 1997). Many of the prestigious black neighborhoods were developed in the East Ward sector of the city. As the African American population grew, it expanded to the north and especially to the east.

Neighborhood Re-Development and Aquatics

Since the early 1990s, the demographic landscape of the East Ward has shifted. The business, commercial, housing and recreational infrastructure of the community also began to erode slowly. One salient marker of a slowly declining “quality of life” in the East Ward was the closing of public swimming pools. At one point in the city’s history, there were four swimming pools located in the East Ward. Activist and community advocate Marva Reid recanted a piece of the Ward’s history in the post she placed on the Diversity in Aquatics website,

We have been striving to develop a competitive swimming pool in Winston Salem in our area. When I grew up here, we had four swimming pools that was accessible now there are none. :(We need help bringing attention to our cause. We seek people to help us swim again in East Winston Salem NC (Reid, 2010).

Reid further noted that “residents of the East-Northeast area have longed for a public swimming pool since [the] early 1990s when City officials removed several neighborhood pools” (East/Northeast Winston Neighborhood Association, n.d.). From 1963 to 1992, there was one pool in the neighborhood and it was closed. Subsequently, the pools were never replaced, thus leaving a dearth of swimming pools in this sector of the city.

East/Northeast Winston Neighborhood Association

The East Winston neighborhood stands out for having an average per capita income lower than 99.0% of the neighborhoods in the United States. Also 64.9% of the children in this area live in poverty and 52.9% of the households in the community are comprised of people living alone (Neighborhood Scout, n.d.). Withstanding these facts, the provisions of neighborhood-based recreation opportunities becomes crucial to the vibrancy of the community.

One of the provocateurs of change for the East Ward has been the East/Northeast Winston Neighborhood Association (ENWNA). Its motto is “striving for a better community” (East/Northeast Winston Neighborhood Association, n.d.). The organization has thrived under the leadership of Marva Reid who remains a stalwart activist on neighborhood affairs.

On the homepage of the ENWNA the mission statement was explained as follows:

We align ourselves with many CDCs and organizations that are making positive strides in developing our community. We monitor all the entities of the City as it impacts our area. We seek to make the East Ward an economically sound and safe community again. We believe by setting an example by adopting streets and parks to

keep clean in the neighborhood. We are extremely concerned that the generation now and to come that do not have the structured community amenities that were afforded to us as children. So, we aggressively seek out help to replace the many dismantled swimming pools and other amenities that are so instrumental in a healthy development and environment. (East/Northeast Winston Neighborhood Association, n.d.)

One of the primary tasks of the ENWNA is to restore swimming pools in the neighborhood. Moreover, they give primacy to engaging city government to ensure that core city services, including recreation services, are provided for its residents.

Advocacy, Community Engagement and City Government

Ms. Reid began advocating for a pool to serve East Winston Salem more than 15 years ago because of the benefits it would bring to children, families and communities. In tandem with other community residents, Reid worked tirelessly to get a new aquatics facility placed in a bond package in 2014. She began actively working with members of the city council to include a new swimming pool into the Department of Parks and Recreation's comprehensive master plan and capital improvement program. One of her principle allies on the Winston-Salem City Council was Derwin L. Montgomery who served from 2009-2018, representing the East Ward. Montgomery, in 2018, replaced former North Carolina representative Ed Hanes in the General Assembly (Daniel, 2018).

Reid and Montgomery played a vital role in educating East Ward residents and ENWNA members on the critical elements of the 2014 bond referendum. Moreover, ENWNA encouraged its membership to attend meetings related to the referendum so they could envision the benefits that would accrue to the East Ward should the bond referendum pass. Additionally, a telephone campaign was implemented to keep residents informed prior to the vote. Finally, strategically, Reid orchestrated transportation to the polls to enable East Ward residents to do their part in passing the bond issue.

Reid, in a written communication, conveyed that what East Ward and ENWNA residents wanted was "a little something other than kibbles and bits" (M. Reid, personal communication, July 15, 2019) for their community, meaning a new aquatics facility. Subsequently, the bond referendum was passed in November 2014. Reid, in a YouTube video from the grand opening of the aquatic park, reflected on the strategies used to help pass the bond referendum that yielded Winston Waterworks,

...We want to thank the neighborhood association; the ones that helped me get all of those petitions. I want to give a special thanks

to Joe Walters who was responsible for caravanning us to everything that the city had. Our seniors, we popped up everywhere and we would not let them forget that we were important too, here in the East Ward. We want to thank the mayor, city council, and city staff. City manager, Mr. Lee Garrity, we want to thank you for spending those hours with us, explaining to us how those bonds would work and how they did work for us. We want to thank Councilman/House of Representative Montgomery. He asked us to trust him and it came true. He is a man of his word. We see everything popping all over East Winston because of Councilman, and now Representative Montgomery. So, we want to thank him so much so that the bonds do work. (Winston-Salem, 2018)

What Marva Reid and the members of the ENWNA demonstrated was the impact of strategically engaging government officials around equity issues related to recreation services. They also demonstrated the importance of “crowdsourcing” as a citizen engagement tool around neighborhood and recreation resource allocation issues.

Winston Water Works Aquatics Park

Ground was broken on the Winston Waterworks Aquatic Park on Friday, July 22, 2016. The aim of city officials and neighborhood residents is to market the facility as a flagship, regional destination attraction. The facility opened on Friday, May 25, 2018 at a cost of \$5 million, which was financed through a \$139.2 million bond referendum passed in November 2014. This general obligation bond package was earmarked to finance unmet capital needs in the areas of public safety, recreation and parks, streets and sidewalks, economic development, and housing (City of Winston Salem, 2019). The amenities of the aquatic park include:

- A pool that is 82 feet long by 45 feet wide and ranges in depth from 3.5 to 5.6 feet.
- Shallow, zero-entry pool, 70 feet around with a 22-foot- tall water-play structure with sprinklers and slides, a water slide 16 feet high and 111 feet long.
- 625-foot lazy river complete with inner tubes.
- A 5,800 square-foot bathhouse with a covered outdoor concession area
- A “water journey” simulated river with a waterfall and bamboo spray misters and water jets along the river channel. (Luck, 2016)

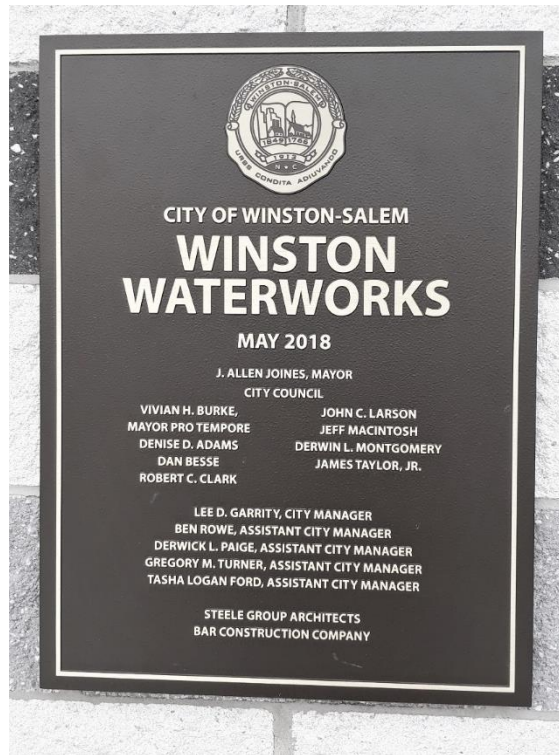


Figure 3. Commemorative Plaque Winston Waterworks

Discussion and Conclusion

Equity is not synonymous with equality, which assumes “sameness”, whereas, equity infers fairness and justice. Equality does not “level the playing field,” it simply gives everyone the same thing. Equity, however, recognizes that some people have less privilege than others have and therefore need more help to reach the same place. This is especially true when planning and allocating resources for aquatic services. Crompton and West (2008), commenting on equity and the idea of fairness, stated,

In contemporary society, much of the responsibility for interpreting a fair and just allocation of resources is borne by governments, for they are the agents, which collect resources from the private sector of the economy and then redistribute them in the form of public services. (p. 36)

Aquatic services produced by recreation departments, in theory, should benefit all groups in society equally. In a practical sense, decision-making around recreation resource allocation is not always equitable. Moreover, Crompton and Lamb (1986) and Crompton and West (2008) concur that the accepted standard for

the allocation of public services such as recreation services, is equity. Equity is a pseudo-cognate term in that many who use it assume that everyone has the same instinctive definition of it. Of course, this assumption is incorrect. In essence, the “big” questions at the core of the conversation about equity and the allocation of recreation resources is “Who gets what, when and why?” or as Crompton and West (2008) argue, in normative terms, “Who ought to get what?”

Equally important are the legal questions that contribute to the conversation about equity and equality when it comes to public swimming pools. Based on the trends in case law related to swimming facilities, the courts have moved forward in addressing discrimination problems relative to access and opportunities. The point of promise lies in the willingness of the courts to address resource allocation arguments concerning aquatics facilities and programming.

These questions undergird much political debate and move equity into the multifaceted realm of individuals’ value systems, which makes its operationalization intangible. Not only is equity difficult to define, but invariably it is controversial when it is defined, as can be seen in the case of Winston Waterworks Project. In this project, equity is a homolog for equality. In the case of the East/Northeast Winston Salem community, bringing this project to fruition represents a tangible, meaningful, incremental step toward equity and equality.

This short study of citizen engagement in the Winston Waterworks Project underscores the importance of planned strategic action for meaningful dialogue with local government officials about equity issues and aquatic services (Caro, 1974; McNabb, 2009). In this example, we can speculate about whether the Winston Waterworks project would have come to fruition if Marva Reid, the East/Northeast Winston Neighborhood Association and then Councilman Derwin Montgomery had not persisted in their efforts to raise awareness about need for aquatics facilities in their area. Collective action, through mechanisms like “crowdsourcing” prove to be valuable in local, community-based advocacy efforts. Along the spectrum of effective community engagement, “informing” residents, “consulting” with policymakers, “involving” engaged community groups such as community development corporations, “collaborating” with strategic partners, and “empowering” residents to make informed choices (e.g., bond referendum) were vital to the success of the project. The orator, ethicist, clergyman, and civil rights activist Martin Luther King, Jr., when speaking of citizen engagement once stated, “Democracy transformed from thin paper to thick action is the greatest form of government on earth” (Blackpast, 2012). The charge to local residents is the get involved and stay involved in issue surrounding aquatic justice.

In conclusion, equity is a critical issue when it comes to the provision of aquatic services. Citizen engagement, holding public officials accountable for their decision-making, and vigilance when it comes to participation in local planning efforts that impact the recreation system are actions that will help shape the challenges related to the equitable allocation of resources. As we arrive in a new decade in the 21st century our collective efforts should be to move the needle closer to both equity and equality and hold accountable the next wave of Robert Moses prototypes.

References

- Aitamurto, T. (2012). Crowdsourcing for democracy: A new era in policy-making. *Crowdsourcing for Democracy: A New Era in Policy-Making. Publications of the Committee for the Future, Parliament of Finland*, 1-47.
- Aitamurto, T., & Landemore, H. (2016). Crowdsourced deliberation: The case of the law on off-road traffic in Finland. *Policy & Internet*, 8(2), 174-196.
- 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.
- Beal v. Lindsey, 468 F.2d 287 (2d Cir. 1972).
- Blackpast (2012). (1955) Martin Luther King Jr., “The Montgomery Bus Boycott.” <https://www.blackpast.org/african-american-history/1955-martin-luther-king-jr-montgomery-bus-boycott/>
- Bobbio, L. (2019). Designing effective public participation. *Policy and Society*, 38(1), 41-57. <https://doi.org/10.1080/14494035.2018.1511193>
- Brown v. Board of Education, 347 U.S. 483 (1954).
- Burner v. Washington DC, CA 242-71(1972).
- Caro, R.A. (1974). *The power broker: Robert Moses and the fall of New York*. Vintage Publishing
- Case, S. (2010). Winston-Salem. In *The Encyclopedia of North Carolina*. University of North Carolina Press.
- Centers for Disease Control and Prevention (n.d.). Unintentional drowning: Get the facts. <https://www.cdc.gov/homeandrecreationalafety/water-safety/waterinjuries-factsheet.html>
- Chen, K., & Aitamurto, T. (2019). Barriers for crowd’s impact in crowdsourced policymaking: Civic data overload and filter hierarchy. *International Public Management Journal*, 22(1), 99-126.
- City of Winston Salem (2019). 2014 bonds. 2014 Capital needs projects almost one. <http://www.cityofws.org/2014bonds>
- Clark v. Thompson, 206 F.Supp. 539 (SD Miss. 1962). 313 F.2d 637 (CA5), cert. denied, 375 U.S. 951 (1963).

- Crews, C. D. (2006). Moravians. In *The Encyclopedia of North Carolina*. University of North Carolina Press.
- Crompton, J. L. & Lamb, C. W., Jr. (1986) *Marketing Government and Social Services*. John Wiley.
- Crompton, J.L. & West, S.T. (2008). The role of moral philosophies, operational criteria and operational strategies in determining equitable allocation of resources for leisure services in the United States. *Leisure Studies*, 27(1), 25-58.
- Daniel, F. (2018). *Derwin Montgomery to replace Ed Hanes in NC house district 72, plans to focus on health care, education, affordable housing*. https://www.journalnow.com/news/local/derwin-montgomery-to-replace-ed-hanes-in-nc-house-district/article_3fb2cfc5-6e54-54b9-8eb4-7f8ecfb985f6.html .
- Dawson v. Mayor of Baltimore, 220 F.2d 386 (4th Cir. 1955) (per curiam).
- Dawson, K. (2006). Enslaved swimmers and divers in the Atlantic World. *Journal of American History*, 92, 1327.
- Desegregating Recreational Facilities. *Palmer v. Thompson*, 91 S. Ct. 1940 (1971), 13 Wm. & Mary L. Rev. 524.
- East/Northwest Winston Neighborhood Association (n.d.). *Home*. <https://marval.wixsite.com/enewna>
- Fung, A. (2006). Varieties of participation in complex governance. *Public Administration Review*, 66, 66-75.
- Garrett, J.T., & Stark, A. (2017). Sparking change: Catalyzing the social impacts of parks in underserved neighborhoods. Toronto: Park people. https://parkpeople.ca/wp-content/uploads/2017/02/ParkPeople_Sparking-Change-2017-1.pdf
- Gulam, A. (2016). Recreation–need and importance in modern society. *International Journal of Physiology, Nutrition and Physical Education*, 1(2), 157-160.
- Haber, J. (2019). *Robert Moses' name should be mud: New York State should remove the racist man's name from public works*. Retrieved from <https://www.nydailynews.com/opinion/ny-oped-robert-moses-name-should-be-mud-20190915-6d2wqjeiqjbbzikni3tfzagyqm-story.html>
- Hawkins v. Shaw, 437 F.2d 1286 (5th Cir. 1971).
- Holland, J.W. (2002). *Black recreation: A historical perspective*. Chicago: Burnham Publishers.
- HUDUser.gov (2019). *Equity mapping and the geography of opportunity*. <https://www.huduser.gov/portal/pdredge/pdr edge featd article 042114.html>

- Jin, B., Lee, J., & Baumgartner, L.M. (2019). Perceptions of peer-led learning among older adults in a community-based aquatic exercise program. *Educational Gerontology*, 1-12.
- Keita, A.D., Hannon, L., Buys, D., Casazza, K., & Clay, O. (2016). Surrounding community residents' expectations of hope vi for their community, health and physical activity. *Journal of Community Practice*, 24(1), 18-37.
- Kennedy, R. (2018). Article: *Reconsidering Palmer v. Thompson*, Supreme Court Review, 2018 Sup. Ct. Rev. 179.
- Levinson, M. (2010). The civic empowerment gap: Defining the problem and locating solutions. In L. Sherrod, J. Torney-Purta and C.A. Flanagan (Eds.), *Handbook of Research on Civic Engagement* (pp. 331-361). John Wiley & Sons.
- Lineberry, R., & Welch, R. (1974). Who gets what: Measuring the distribution of urban public services. *Social Science Quarterly*, 54(4), 700-712.
- Luck, T. (2016, July 28). "E. Winston aquatic park on way." <http://www.wschronicle.com/2016/07/e-winston-aquatic-park-way/>
- Lucy, W. (1981). Equity and planning for local services. *Journal of the American Planning Association*, 47(4), 447-457.
- Lucy, W.H., & Mladenka, K.R. (1980). Equity and urban services distribution: Module 1. Washington, DC: US Department of Housing and Urban Development. The National Training and Development Service.
- Mayor and City Council of Baltimore City v. Dawson, 350 U.S. 877 (1955).
- McNabb, D.A. (2009). *The new face of government: How public managers are forging a new approach to governance*. CRC Press.
- Neighborhood Scout (n.d.). Winston-Salem, NC (East Winston). <https://www.neighborhoodscout.com/nc/winston-salem/east-winston> .
- Nesticò, A., & Sica, F. (2017). The sustainability of urban renewal projects: A model for economic multi-criteria analysis. *Journal of Property Investment & Finance*, 35(4), 397-409.
- Nicholls, S. (2001). Measuring the accessibility and equity of public parks: A case study using GIS. *Managing Leisure*, 6(4), 201-219.
- Novatorov, E. V. & Crompton, J. L. (2001a) Reformulating the conceptualization of marketing in the context of public leisure services. *Leisure Studies*, 20(3), pp. 61–76.
- Novatorov, E. V. & Crompton, J. L. (2001b) A revised conceptualization of marketing in the context of public leisure services. *Journal of Leisure Research*, 33(3), pp. 160–185.
- Noveck, B. S. (2015). *Smart citizens, smarter state: The technologies of expertise and the future of governing*. Harvard University Press.

- Oppermann, L.E. (1997). Historic and architectural resources of African-American neighborhoods in northeastern Winston-Salem ca. 1900-1947. <https://www.cityofws.org/DocumentCenter/View/6825/Historic-and-Architectural-Resources-of-African-American-Neighborhoods-in-Northeastern-Winston-Salem---1900-to-1947-PDF>
- Palmer v. Thompson, 419 F.2d 1222 (5th Cir.1969).
- Palmer v. Thompson, 403 U.S. 217 (1971).
- Plessy v. Ferguson, 163 U.S. 537 (1896).
- Reid, M. (2010). Marva Reids's page. *Diversity in aquatics*.
<http://www.diversityinaquatics.com/profile/MARVAREID>
- Rothstein, R. (2017). *The color of law: A forgotten history of how our government segregated America*. Liverwright Publishing.
- Saluja G., Brenner R.A., Trumble A.C., Smith, G.S., Schroeder, T., & Cox, C. (2006). Swimming pool drownings among US residents aged 5–24 years: Understanding racial/ethnic disparities. *American Journal of Public Health*, 96, 728–33.
- Silverman, R. M. (2003). Citizens' district councils in Detroit: the promise and limits of using planning advisory boards to promote citizen participation. *National Civic Review*, 92(4), 3-13.
- Storm, M.K., Williams, K.N., Shetter, E.M., Kaminsky, J., Lowery, C.M., Caldas, S.V., & Winch, P.J. (2017). Sink or swim: Promoting youth development through aquatics programs in Baltimore, Maryland. *Journal of Park & Recreation Administration*, 35(1), 66-79.
- Suburbanstats.org (2019). Current Winston Salem, North Carolina population, demographics and stats in 2019, 2018. <https://suburbanstats.org/population/north-carolina/how-many-people-live-in-winston-salem>
- Taeihagh, A. (2017). Crowdsourcing, sharing economies and development. *Journal of Developing Societies*, 33(2), 191-222.
- Talen, E. (1998). Visualizing fairness: Equity maps for planners. *Journal of the American Planning Association*, 64(1), 22-38.
- U.S. News & World Report (2018). "Best places: Winston-Salem, North Carolina." <https://realestate.usnews.com/places/north-carolina/winston-salem>
- Waller, S.N. & Bemiller, J. (2018). Navigating rough waters: Public swimming pools, discrimination, and the law. *International Journal of Aquatic Research and Education*, 11(1), 1-15.
<https://doi.org/10.25035/ijare.11.01.01>
- West, S. T. & Crompton, J.L (2013). Who ought to receive what? An instrument to assess a community's preferred strategy for allocating leisure service resources. *World Leisure Journal*, 55(1), 1-20.

- Wicks, B. (1987). The allocation of recreation and park resources: The courts' intervention. *Journal of Park and Recreation Administration*, 5, 1-9.
- Wicks, B.E., & Crompton, J.L. (1986). Citizen and administrator perspectives of equity in the delivery of park services. *Leisure Sciences*, 8(4), 341-365.
- Wicks, B.E., & Crompton, J.L. (1989). Allocating services for parks and recreation: A model for implementing equity concepts in Austin, Texas. *Journal of Urban Affairs*, 11(2), 169-188.
- Wright, T. (1971). Constitutional Law - State Action - Closing Rather than Desegregating Recreational Facilities. *Palmer v. Thompson*, 91S. Ct. 1940 (1971).
<http://scholarship.law.wm.edu/cgi/viewcontent.cgi?article=2678&context=wmlr>
- Wiltse, J. (2007). *Contested waters: A social history of swimming pools in America*. University of North Carolina Press.
- 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.
- Winston-Salem. (2018, May 29). Winston water works ribbon cutting [Video file].
<https://www.youtube.com/watch?v=uU39-83HVH0>
- Zhang, X., Warner, M.E., & Homsy, G.C. (2017). Environment, equity, and economic development goals: Understanding differences in local economic development strategies. *Economic Development Quarterly*, 31(3), 196-209.