

INDIANA'S "SUNDOWN ORDINANCES" - FACT OR FICTION?

A Study of "Sundown Ordinances" in Nineteen
Indiana Towns and Cities

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Problems Posed by Sundown Ordinances

There are numerous problems posed by the so-called "sundown ordinances" which are or have been reputed to exist in scores of Indiana's smaller towns and cities. Some of the problems are as follows:

1. Do these alleged "sundown ordinances" exist as written laws or are they simply mores or unwritten laws that have been handed down by word of mouth from generation to generation?
2. Do the community leaders of the so-called "sunset towns" still feel that Negroes should be excluded from residence or service there?
3. How many of the 133 incorporated towns and cities listed in Table 1 as having no Negro residents have been known as "sunset towns" in the past, and how many of the 53 communities with less than five Negroes have had this reputation?
4. Have these "ordinances" served to exclude Negroes from residence or service in the communities? By the same token, how valid are the fears many Negroes have about seeking service in Indiana's smaller towns and cities because of these alleged "ordinances"?

SCOPE AND PROCEDURE OF RESEARCH ON "SUNDOWN ORDINANCES"

Because of limitations of time and personnel, this research project is concerned with only the first two aspects of the problem:

(1) to determine whether "sundown ordinances" actually exist in written form in a sample of communities without Negro residents; (2) to determine how community leaders feel about enforcing "sundown ordinances" today.

TABLE 1

NUMBER OF NEGRO RESIDENTS IN INDIANA COMMUNITIES WITH TOTAL POPULATION OF 1,000 OR MORE ACCORDING TO 1960 U. S. CENSUS

TOTAL FIGURES		TOWNS AND CITIES WITH NO NEGRO RESIDENTS	TOWNS AND CITIES WITH 1 TO 5 NEGRO RESIDENTS	TOWNS AND CITIES WITH 6 TO 100 NEGRO RESIDENTS	TOWNS AND CITIES WITH 100 OR MORE NEGRO RESIDENTS
POPULATION RANGE	NUMBER OF TOWNS AND CITIES IN EACH GROUP				
1000 to 2500	135	102	20	9	3 ^a
2500 to 10,000	90	26 ^b	32	22	10
10,000 to 100,000	40	6 ^c	1	8	25
100,000 or more	6	0	0	0	6
TOTALS	271	133	53 ^d	40	44

^aThese towns are French Lick (114), Kingsford Heights (204), and Rockport (114).

^bThese towns and cities include: Aurora, Austin, Batesville, Berne, Bicknell, Bluffton, Bremen, Brookville, Chesterfield, Columbia City, Covington, Delphi, Gas City, Hartford City, Huntingberg, Jasper, Kendallville, Knox, Linton, Loogootee, Martinsville, Monticello, New Haven, Salem, Schererville, and Tipton.

^cThese cities include: Beech Grove, Elwood, Goshen, Highland, Huntington and Valparaiso.

^dMost Negroes in these towns and cities are college students in temporary residence or single men and women working as domestics or handymen.

In order to facilitate the research, Donald M. Royer, sociologist on the Commission's staff, secured the cooperation of social science professors and their advanced students from Anderson, Earlham and Manchester colleges as well as from Butler and Indiana Universities to do the actual interviewing. Using a questionnaire prepared by the

Commission, 25 students from these institutions interviewed 244 town and city officials in 19 communities accessible to them which were reputed by one or more informants to have "sundown ordinances". They were instructed to ask city officials whether "sundown ordinances" existed in written or unwritten form, and where necessary, to examine official records for evidence. They were also asked to secure community leaders' reactions to current racial practices in each community.

The 19 communities selected for study were chosen either because they were home-towns of the students involved, or because they were accessible to the colleges. The towns and cities included are, therefore, not necessarily representative of the 186 towns and cities in the state as a whole with no permanent Negro residents.

The communities surveyed were: Centerville, Churubusco, Clarksville, Columbia City, Elwood, Goshen, Greenwood, Huntingdon, Lagro, North Manchester, North Webster, Pierceton, Remington, Roann, Rochester, Sidney, Silver Lake, South Whitley and Summitville.

1. WRITTEN "SUNDOWN ORDINANCES" FOUND TO BE FICTION!
UNWRITTEN LAWS-FACT!

None of the 25 interviewers was able to find any evidence from any town clerks or records in the 19 towns and cities that written "sundown ordinances" existed now or in the past.

About one-third of those interviewed thought that there might have been such ordinances on the books years ago, and one out of ten thought that written laws existed now, but no town clerk or attorney was able to produce any evidence to support these claims.

On the other hand, almost two out of every three of the 244

community leaders interviewed, indicated that unwritten laws have been in effect in their communities in the past. The period of enforcement apparently was at its peak between World Wars I and II. Public support for the racial exclusion policies has evidently weakened in the years since 1945 in many of the communities studied.

In one town, South Whitley, twenty-five miles due west of Ft. Wayne, seven of the seventeen community leaders interviewed believed that a written ordinance was enacted as many as 50 years ago specifying that Negroes could not reside overnight. The town clerk, however, was not able to find any evidence of the "ordinance" in his search of the town's record books. The majority of respondents, however, did feel that an "unwritten law" has been in effect for several generations and that it has been one of the reasons why no Negroes have ever lived in South Whitley.

Huntington's Unwritten Law Apparently Effective

The largest city in the state without any Negro residents is Huntington, located 25 miles southwest of Ft. Wayne. A fact crucial to this study is that Huntington, with nearly 17,000 citizens, should also have one of the most widely publicized "sundown ordinances" in northeastern Indiana, an ordinance which is believed by many residents of the city and surrounding counties to exist in written form.

Huntington's alleged "sundown ordinance" is unique among such ordinances in Indiana, because the prevailing belief is that the land for the County Courthouse had been deeded to the County by a private individual with the stipulation that no Negroes ever live in Huntington.

Should a Negro family ever move into the city, the deed was supposed to revert to the heirs of the original owner.

Despite this widely held notion which was reiterated by the native Huntington citizens included in this study, the interviewer, himself a resident of Huntington, was not able to find any written evidence of the deed's alleged racial provisions anywhere in the minute books. Furthermore, the city's attorney asserted to the interviewer that no such stipulation nor comparable "sundown ordinance" has ever been found in the records.

The fact is, however, that Huntington remains one of the few cities in northern Indiana with 15,000 or more citizens (see Table I) with long established industries which Negro families have bypassed in their search for homes and work since the turn of the century.

This fact begs the question, of course, whether the city was bypassed because of the lack of employment or because of the enforcement of the unwritten "sundown laws". This problem will be pursued in the next question on the study.

In summary, then, the responses to question one indicate that while the existence of legally enacted "sundown ordinances" appears to be fictional, the racially exclusive mores of many of the communities have had the effect of law. "Sundown ordinances" have existed, in fact, in the minds and actions of men, if not in law.

2. ABSENCE OF NEGROES LAID TO ECONOMIC FACTORS AND "SUNDOWN ORDINANCES"

In an attempt to determine how strongly public opinion has supported the "sundown ordinances" or the racial mores in the nineteen

communities studied, each of the 244 community leaders was asked what role the ordinances played, in their judgment, in excluding Negroes from residence and service in the community.

In response to this question, the answers were almost equally divided between those who felt that there were not sufficient industries in their communities to have attracted Negro families either in the past or present (45%) and those who felt that the "sundown laws" and the racial mores simply did not make their communities hospitable to Negroes (43%). A small group (12%) attributed the absence of Negroes to other factors such as "It's too cold for them here", or "We have no housing", or "There are no Negroes here to attract others".

In view of the fact that one might expect community leaders to be loathe to admit that "sundown ordinances" or the racial feelings of the townspeople may have played a role in excluding Negroes, it is surprising that nearly one out of two respondents did admit to the important role of "sundown laws".

Among the communities in which a majority of the respondents attributed the reluctance of Negroes to settle or to seek service there to the "sundown ordinances" or racial mores were three of the largest in the study, Clarksville (8088 pop.), Elwood (11,793 pop.) and Huntington. (16,185 pop.)

Returning to the case of Huntington which was discussed earlier, eight of the fifteen community leaders in Huntington cited the racial attitudes and the courthouse deed's racial provisions as the major reasons for the absence of Negroes from the community. The other

seven respondents felt that the town's lack of employment was probably the major factor.

Obviously, more evidence is needed than the current opinions of a few community leaders to determine which factor is the more important one - the racial mores or economic factor - in explaining the absence of Negroes from communities of 10,000 or more like Huntington.

In Huntington's case, there was no evidence available to the interviewer that a Negro family has ever sought residence there. There was evidence, however, that Negro travelers have been denied service in places of public accommodation in the city. One of the more widely discussed incidents involved a Negro family in an automobile accident in the city. The injured members were not admitted to the local hospital, but had to summon an ambulance from Ft. Wayne, twenty-five miles away, for treatment in Ft. Wayne. This incident, however, occurred over ten years ago, and since that time the local hospital has received Negro patients. The point of importance for our study, however, is the fact that the story of the accident spread throughout northern Indiana, and caused Negroes, especially, to confirm their image of Huntington as a racially exclusive city.

More conclusive evidence, however, that Huntington's racial policies in the past have been the determining factor in the exclusion of Negroes from the community is the fact that Negroes, in their northward migration since the turn of the century, did settle in two county seat towns, Warsaw (pop. 7234) and Wabash (pop. 12,621), in counties immediately west of Huntington where industrial opportunities in the past have not been greater than in Huntington, but where there

has not been a history of racially exclusive "sundown ordinances".

Another city in which the "sundown ordinance" has apparently played a major role is Elwood, located in the central part of the state, less than 25 miles from Anderson and Marion, cities with heavy concentrations of Negro residents.

Elwood's Unwritten Law Has Had Strong Support

Seventeen of Elwood's thirty respondents maintained that the "unwritten law" was the major factor in the absence of Negroes from the community. One citizen put it this way: "There is an unwritten law carried over from the time the Tinsplate Company was here. Negroes came to town to work there, and people made life so miserable for them they left. Also about this time two Negroes were killed by a railroad official and a police officer, but the jury acquitted them. These things have not been forgotten by older people of both races in this area". Another one said, "while the ordinance requiring Negroes to be out of town by five went out in the 1930's, there is a haunt carried down from the past so that Negroes still don't stay overnight.

Elwood's unwritten law, like that of other small communities in the state, was supported as late as 1940 by a sign at the town's entrance which read, "Nigger, don't let the sun set on you in Elwood". Several prominent Indiana Negroes, during the course of this research, reported having seen this sign while attending Wendell Wilkie's presidential campaign speech there in 1940.

Other factors such as lack of jobs were mentioned in trying to explain the absence of Negroes from the community, but the majority

of the thirty Elwood respondents dwelt on the factors from the past mentioned above which have left a legacy of anti-Negro feeling down to the present day. This legacy has also left a corresponding fear among Negroes in the area about seeking service in places of public accommodation. A prominent Negro leader from eastern Indiana who has known Elwood since the 1930's and remembers the sign at the town's entrance feels that, even today, it would be difficult for him to buy a meal or to get overnight accommodations there.

Despite the fact that Elwood's reputation as a "sunset town" has persisted down to the present among members of both races in the area, half of Elwood's thirty respondents indicated they would "take no action" if an orderly Negro family moved into the community, and half of them indicated that Negroes should be served in Elwood's places of public accommodations.

If this response is at all indicative of public opinion in Elwood today then we can assume that the unwritten law no longer has the support of a considerable number of citizens, and that a Negro might be served there today without incident. Accepting a Negro family as residents, however, would be another matter.

3. COMMUNITY LEADERS INDICATE WILLINGNESS TO RECEIVE NEGRO FAMILIES AS RESIDENTS OR CUSTOMERS

One of the surprising results of the research was the fact that nearly three out of every four community leaders interviewed indicated that they personally would not block a Negro family's attempt to move into their community or to receive service in places of public accommodation.

This fact was true in cities like Clarksville, Elwood and Huntington, despite their history of stringent sundown laws, where only a hard core of respondents indicated that they would strongly disapprove of having Negroes either as residents or customers.

Typical comments from these three cities were the following: "Its a free country. Why should they not be admitted here?" Another less positive comment was: "I'd try to make the best of it. We're lucky enough to keep them out so far". Finally, representing the minority in opposition was this statement: "If I knew they were coming, either I'd move out of town or they'd move. I'd try to make sure nobody would rent or sell them a house".

Perhaps a more realistic appraisal of the situation was provided by the town clerk of one of the smaller communities in the study who said, "Despite what I may think, I really don't think anybody in town would rent or sell them any property".

While the same majority, three out of four of the 244 respondents favored giving Negroes access to places of public accommodation, the reasons advanced for providing accommodations usually involved the following legal argument: "I would rather not give accommodations, but the law requires it, so I treat Negroes the same as whites".

Since many of the 244 respondents were not actual owners of places of accommodations, however it is instructive to check their attitudes against the responses and attitudes of twenty-one motel, hotel and restaurant managers in the nineteen towns studied. Significantly, about three-fourths (15) of these business men indicated that they have served Negroes without repercussion from the community, and

stated that they planned to do so in the future. The remaining one-fourth indicated that they had not served Negroes in the past, and hope to be able to avoid doing so in the future despite the existing laws.

Representative comments from those motel and hotel owners providing equal accommodations were the following:

"Yes, we accommodate Negroes. We have about six families a year, and there is no talk in town. Furthermore, we have found that Negro customers leave their rooms in good shape - better than most white people". (Centerville)

"Just recently I kept the Harlem Globetrotters in my hotel - 15 or 20 of them. I have had Negro guests at other times too. There has been some talk and criticism, but I don't pay attention to it. Since the government looks on civil rights as it does, I feel I have no right to refuse them". (Rochester)

On the negative side, one motel manager said, "I will not tolerate Negroes in my motel; it would be bad for my business". (Columbia City)

Greenwood Case Illustrates Housing Problem Facing Negroes

The crucial test, however, of whether the "sundown ordinances" still have widespread public support is not revealed by the policies of motel operators located on the outskirts of communities, but rather by the town's reaction to having a Negro family actually take up residence there. This kind of test has been rare in the towns studied, but a recent incident in Greenwood, on the southern edge of suburban Indianapolis, is instructive.

Within the past few years, a new housing development was opened on the edge of Greenwood with many of the homes priced below \$15,000. Unfortunately, some of the homes were not well-built, and as a result of the inferior workmanship and materials, it was not long before 40 to 50 homes were up for sale.

At this point, a real estate agent showed one of the properties, still occupied, but up for sale, to a Negro couple without knowledge of the owners who were working in Indianapolis. The Negroes were also introduced to the neighbors. When the owners returned that evening they were met by openly hostile neighbors planning a demonstration to protest the move, and in response the Mayor dispatched police to patrol the area. Faced by these threats, the owners took the house off the market, and the Negro couple did not make any further attempts to buy in the community.

It should be noted here that several Negroes lived in Greenwood until the 1920's. Several of them were highly respected, and one graduated from the local high school. Since that time, however, the town has been all-white. Half of the respondents interviewed attributed this fact to the racial mores of the community, and the other half to lack of employment opportunities. None of the respondents, however, indicated that they would block the attempt of a Negro family to buy or rent a home in the community.

In summary, then, if the privately held attitudes of the majority of the 244 respondents are indicative of the communities in which they live, the walls of resistance in the form of sundown ordinances

would appear to be crumbling in the nineteen communities studied.

While this trend can be documented in the area of public accommodations, there is little evidence that Negroes (except for domestics) could buy or rent in the communities under question.

4. FEW NEGROES HAVE LIVED IN SUNDOWN COMMUNITIES IN PAST AS DOMESTICS

Despite the fact that many of the towns and cities studied are reputed to have had "sundown ordinances", respondents in nine of the nineteen communities indicated that Negroes have lived there in the past. With exceptions, the past usually meant prior to the period of Ku Klux Klan activity in the 1920's.

Other interesting facts about the residence of Negroes in the nine communities were the following:

- In almost all cases, the Negroes living in these communities, have been single men or women retained by white families as servants, housekeepers or gardeners, or they worked handymen at menial jobs around town. When they died or left town they were not replaced by other Negroes.

- In those cases where Negroes have lived in the community recently as in Clarksville and Rochester there was very little awareness in the community of their presence. In the Clarksville study, for instance, only five of the ten community leaders interviewed were aware of a Negro family in their community. The lone Negro family there lives on industrially owned property adjacent to a factory. This house has been inhabited by a Negro family, in fact, for several generations.

- In the case of Rochester where a former Negro handyman, Bob Black, died last year at the age of 90, four of the seven respondents were

certain that the last Negro to live there died from six to sixty years ago. Furthermore, there was little agreement among the respondents as to where the last Negro family was supposed to have lived.

In summary, then, the responses to this question suggest that the white residents of these communities, except for the immediate employers, have had very little contact with the few Negroes living in their midst during the past generation. Furthermore, the contacts that did occur were generally with relatively uneducated and unskilled Negroes without families and therefore without children of school age. The infrequent interracial contacts in these communities have, for the most part, tended to support the traditional stereotypes of Negro inferiority.

5. CONCLUSIONS TO BE DRAWN FROM STUDY OF "SUNDOWN ORDINANCES"

1. The myth of legally enacted "sundown ordinances has apparently served the purpose over the years of making racially exclusive customs seem legitimate and right in the eyes of many citizens in many of Indiana's all-white towns and cities. This tendency to attribute legal power to deeply entrenched customs or mores when, in fact, no such legal power exists, is characteristic of people in many societies according to William Graham Sumner, pioneer sociologist, in his book Folkways written in 1906. Indiana's alleged "sundown ordinances" appear to be another illustration of this principle.

2. The myth of the legality of the "sundown ordinances" has apparently been strengthened over the years in the minds of many of the older citizens in the communities studied by the fact that:

(1) officers of the law have, in some cases, enforced the "ordinances";

(2) signs posted at the towns' limits requiring Negroes to be out at sundown have appeared to be the result of official action. It is possible that the signs, more than any other factor, lent legality to the racial mores in the minds of the townspeople as well as to travelers of both races passing through these communities. The signs have gone, but there is evidence that the memory of what they represented remains in the minds of Hoosiers of both races up to the present day.

(3) The absence of Negroes from the smaller communities in the state, e.g., towns like Sidney, South Whitley, Remington and Lagro included in this study, can be attributed largely to the lack of jobs there rather than to the unwritten sundown laws. The "sundown ordinances" in these communities have served largely to exclude Negroes from service in places of public accommodation after sundown, and in many cases before sundown. This tendency exists at the present time in some places of accommodation in these communities, especially certain restaurants, taverns and barber shops.

(4) The absence of Negroes from the larger communities in the state which have had employment opportunities in the past or the present would seem to be more the result of unwritten sundown laws than lack of jobs. These communities with more than 10,000 citizens today might include Elwood, Goshen, Huntington and Valparaiso; and Clarksville, Decatur, Greenfield and Whiting in the 8,000 to 10,000 population range. Racial attitudes also seem to be a major

factor in explaining the absence of Negroes from larger residential communities near large urban centers such as Beech Grove and Speedway near Indianapolis, and East Gary, Hobart and Highland in the heavily populated Calumet area.

(5) While it is apparent from this study that Negroes are being served in some of the places of public accommodation in the towns surveyed, there is evidence that public support of the unwritten sundown laws still is strong enough to exclude Negro families from residence there. Single domestics and gardeners would likely be admitted, but the acceptance of permanent Negro families with school-age children is another matter.

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