

## KING'S DREAM – BETTER THAN NEVER IN ELWOOD

For the second year Martin Luther King Jr. Day was celebrated in Elwood, Indiana, a sundown town for most of the twentieth century. The "love walk," comprised of two dozen people marching in downtown Elwood, included Merrill Taylor, the town's mayor, who declared the event "awesome." Marchers also included African Americans from the nearby town of Muncie. (Census data has Elwood's 2000 population at 9,737, including 5 African Americans.)

At last year's march, the SWAT team was out in force, including snipers perched on rooftops. The march went on without incident. No such mobilization occurred this year, and again, the march occurred without incident.

Although a march of two dozen people -- highlights included a portrayal of Dr. King's "I have a dream" speech -- might not appear to be a tipping point in race relations, this simple act of coming together is quite an event for a town that has in recent years been home to the area's Klan headquarters, a place where they still held an annual KKK parade only a few years ago, and a town still widely referred to as a "white town." "The town as a whole is changing..." a resident at the parade was heard to say. □

## LEGAL ACTION NEEDED

by James Loewen

Many sundown towns — probably more than half — have given up their exclusionary residential policies. Others still make it uncomfortable or imprudent for African Americans to live in them. In 2008, 44 years after the 1964 Civil Rights Act said that a restaurant could not exclude on the basis of race, entire communities still do, although not formally, of course. Surely this is an affront to a society allegedly governed by democratically passed laws.

What is to be done about such towns?

At a minimum, any town that can be shown to have kept out blacks in the past and still "boasts" an overwhelmingly white demography should be asked to make three statements:

- admit it ("We did this.")
- apologize ("We did this, and it was wrong.")
- proclaim it now welcomes residents of all races ("We did this; it was wrong; and we don't do it any more.")

That third statement should be backed by action. For example, towns should also be asked to hire racial minorities in their schools, street departments, and other services, and to help such employees and their families find housing within the community. Towns with federally supported public housing should be required to connect with nearby interracial towns and select nearby African



Pickers demonstrating at the home of an African American family that moved into a sundown neighborhood in Miami in 1957.

American households to integrate that housing.

Absent such responses, federal and state governments should stop expenditures in towns with sundown pasts and continued overwhelmingly white demographics.

Chief Judge G. Patrick Murphy of the United States District Court for the Southern District of Illinois has shown the way. He held up \$70,000,000 in federal money from being spent on a new courthouse in Benton because it is a sundown town. "I think it is fundamentally wrong to send the resources of the federal government, particularly in regard to the court system, to a community that is not diverse and is not enthusiastic about letting our employees participate fully in community life," said Murphy in October, 2002.

Most small towns in the United States have public housing, even if only a pair of units. In sundown towns, this housing in fact is open to whites only. HUD must demand change.

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**GET OUT OF TOWN BY SUNDOWN!  
A FAMILIAR THEME PLAYED  
OVER AND OVER AGAIN**

*By Willett Thomas*

“Get out of town by sundown,” the sheriff warns the bandit. The sheriff’s the good guy. We know this not only because of the tin star pinned to his chest, but because he’s the one dressed in white. The bandit, on the other hand, is the swarthier of the two, unshaven and dirty, someone you wouldn’t want to tangle with.

“Sundown towns” were the topic of discussion as I settled in for my initial indoctrination to my duties and responsibilities now that I had been offered and accepted the position of part-time assistant to Jim Loewen, the author of *Sundown Towns*.

Cowboys and bandits, good guys and bad guys, these were my childlike thoughts as I sat literally being “schooled” in what the word sundown, with all its connotations, has come to embody over the past 100 years.

And what an introduction: I learned that the powers that be in these towns (defined as incorporated towns, usually with a population over 1,000, with African Americans making up less than 10 people or .1 percent, and that way on purpose) as a way of conducting business with blacks, and often Jews and other minorities, felt charged to do whatever necessary: signs, ordinances, outright intimidation, and/or any combination thereof, to restrict access to these towns after sundown. I admit to naively wondering if the lack of an African American presence within these towns wasn’t something that could be attributed to blacks simply not wanting to live in the towns. Then too, wasn’t it just a tad egotistical to think that all blacks want to live anywhere whites decide to make camp. This seemed feasible to me, less fanciful than what I had heard so far. A tale spun from whole cloth, a plot twist found in the pages a novel, rather than a true account of the

systematic way in which whites kept blacks from living near them. But I quickly made the connection, eventually getting that blacks not wanting to live in a town, might very well be linked to the existence of a sign at the entrance of that town admonishing them, “Nigger Don’t Let the Sun Set on You in \_\_\_\_.”

Understanding this, I still felt safe in assuming that this was a mere blip, a socio-economic phenomenon, its origins predominately found in the South. Actions ascribed long ago to bigoted whites who didn’t know any better, and a time when there were few laws to protect people against such actions. But this wasn’t the case. Much to my chagrin, I learned that most of these activities took place in Northern and Midwestern states such as Illinois, Oregon, and Maryland. Some towns continue to exhibit both explicit and implicit acts of intimidation even today; while some towns’ property records still show deeds with covenants listing restrictions prohibiting African Americans and Jews from owning property within their borders. Such incidents also occurred in Southern states, but not nearly to the extent demonstrated by whites in Northern states.

So now, being born in the North—Stamford, Connecticut—my curiosity was piqued. Could my birthplace, known for quaint summer shore homes and higher than average per capita incomes, possibly be or have been a Sundown town? It didn’t seem possible, not with its close proximity to New York City, Mecca for all those brave, tired, weary, and oh so swarthy immigrant masses. Even so, if a town like Chevy Chase, Maryland, a tony Washington, DC, suburb, can demonstrate all the markers of being a sundown town, maybe this could be true of

Stamford.

Though I only lived in Stamford for a short time, it was still good to find out after a quick census check that it didn’t have the stain of a sundown past. Stamford’s nearby neighbor, the town of Darien, could not say the same. Darien, Connecticut, was first outed as a “restricted” town in the novel “Gentleman’s Agreement” for the community’s overt anti-Semitism, and as would follow, its restriction keeping out blacks and other minorities.

Now I was on a mission: What about my mother’s hometown of Arcadia, Florida? Could it have a hidden past? I knew realistically that this couldn’t be the case. My grandparents were native Arcadians. My mother lived there a good part of her adult life. But still, I felt compelled to ask if she knew if Arcadia had a sundown past? She was sure Arcadia wasn’t one of “them.” Arcadians by and large lived well with one another, she explained. “We got all along fine. Whites stayed mainly on their side of the train tracks, we stayed on our side.” (Arcadia, it’s interesting to note, means paradise.) My father, born in Louisville, Kentucky, had a similar upbringing to that of my mother. In the mid to late 50s, he played professional basketball with the Globetrotters. Though I never heard him speak about the trials of traveling through what was still then the Jim Crow South, I’m sure many of the indignities he had to endure were not so different from blacks being banished from sundown towns.

And as for my own hometown (I’ve been a resident of D.C. since I was two)? Well, obviously, D.C. is nobody’s sundown town. It’s has an African American population that for decades has topped sixty percent, and has been known, mainly in the early go-go and disco era of the 70s and 80s as “Chocolate City.” Aren’t there plenty of pictures of free blacks and slaves working side by side from the

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1850s, doing their part to build the Capitol Building? Wasn't Benjamin Banneker, a free black man, instrumental to the city's design? Duly noted, surely there was nothing remotely sundown about Washington, D.C.

What I hadn't considered were all those thousands of workers, laborers and their families. Where did they go to lay their heads after a hard day's work? Truth told, many of Washington's close in suburbs were sundown. The list includes the Maryland suburbs of: Mt. Rainer, Hyattsville, and Brentwood. All, no more than a ten minute's drive from the Nation's Capital.

It's safe to say my initial indoctrination to sundown towns left me no longer sure of those things I once thought of as gospel, and now open to the idea that some things, no matter how farfetched they might appear to be, can in fact exist, and even thrive, without a majority of people being aware that it does.

So, in the same way film preservationists and historians have gone about the business of preserving older films, making sure that every school age child knows that "Get out of town by sundown" is what good guys say to bad guys. It is also the reason why commemorating the existence of sundown towns is important. Historians understand that if something isn't done to preserve past works and acts, the impact they had on the audience of their time would be lost to all; it would be as if they never happened.

And despite the shame of sundown towns, their existence remain an integral part of this country's history, and in order that the impact they had on communities not be marginalized or forgotten, this history must be recorded before time and revisionists make it easy to say, "No, it just wasn't so." □

## IS IT SOMETHING IN THE AIR?

Even as the country tries to determine whether it's the spirit of change or the surety of experience that will make the difference in the next presidential election, Cullman County, Alabama, has taken a stand firmly on the side of change.

On January 2008, James Fields, an African American, won Alabama's 12th House District seat. Cullman County is 97% white. Almost all African Americans live in one small community, formerly called "The Colony," now incorporated as "Colony."

His opponent, Wayne Willingham, Republican mayor of West Point, AL, whose family has known ties with the KKK, ran on the Southern Party Ticket. Fields, a former minister, beat Willingham by 1,188 votes, taking almost 60% of the 6,223 ballots cast.

That an African American man accomplished this in Cullman, a county with a notorious sundown history, is a milestone. □

### WANT TO HELP KEEP THE WHEELS OF CHANGE ROLLING?

Step One: Census Research

Step Two: Local Histories and

Step Three: Collect Oral Histories

Step Four: Triangulate

Step Six: Read more on how to help  
.....on pages 5-7.



## I WANT YOU TO RESEARCH SUNDOWN TOWNS!

### ANALYSTS

Compare a sundown and interracial town for economic Development, politics, careers plans of youth, attitudes toward minorities, etc.

### GIS TECHNICIANS

Map states by Zip code or finer units, showing distribution of African Americans.

### RECORDS EXAMINERS

Search for sundown ordinances or newspaper stories that confirm exclusion in writing.

### WEB CONTENT MANAGER

Insert accurate short paragraphs about the exclusive practices of sundown towns into their entries in Wikipedia.

### RESOLUTION SPECIALISTS

Persuade sundown towns to admit their past practices, apologize for them, and move forward.

### REVIEWERS

Review books, movies, and museum exhibits that treat sundown towns, or that should treat sundown towns but fail to do so. □



Civil rights lawyers should be filing cases against the more egregious sundown towns. So far they have not. A key problem has been plaintiffs.

Researching sundown towns taught me that the 1964 Civil Rights Act and other federal and state civil rights laws and decisions were not self-enforcing. They only got enforced when African Americans were discriminated against, objected, and took matters to court (or filed complaints with appropriate agencies). In sundown towns, these things rarely happened, partly because no African Americans lived there. The lone black family that gets the run-around while looking at homes, the black man who gets threatened when stopping for coffee at a restaurant at night — these folks have no way to know that the problem is general to the entire town. Nor do they have resources to take the matter to court. Maybe a reader of this newsletter — attorney, official at HUD or DOJ or a state agency, or just a concerned resident — will show the way.

### How To Proceed

I have identified towns and counties particularly liable to legal challenge. These places have particularly egregious and rather recent histories of keeping out African Americans. Some have strong local traditions of having passed ordinances to that effect. None have taken the three steps suggested above. They are located in Alabama, Arkansas, Connecticut, Florida, Georgia, Idaho, Illinois, Indiana, Iowa, Maryland, Michigan, North Carolina, Tennessee, and Texas. Or you may have your own reasons to select a community or area. If your possible target lies in a state not listed above, don't be deterred; I may have information worth sharing about that locale as well.

Please let me know if you are interested in considering legal action against a sundown town or county. Tell me what place you wish to investigate for possible action or ask me for suggestions. Then I will send my electronic file containing what information I have about that location, including contact persons. Some informants I will contact first, to ask if it's OK to supply their contact information to you, or I will delete their names while supplying the information they provided. I am also happy to send you my e-file for entire states. Then you can make your own selection as to which towns to investigate or litigate.

### Theory of the Case

Once a community has taken clear steps to become and remain a sundown town for decades, that sets up a prima facie case that it — the town — discriminates. The traditional testing routine — sending white and black would-be homebuyers to individual residences — is not adequate for discovering or resolving the issues that sundown towns raise. Testing is a good way to locate individuals — landlords, home sellers, real estate agents — who discriminate against minority would-be residents. Sundown towns are and have been all-white by community policy, formal or informal. As a result, sundown towns pose problems that traditional testing cannot uncover. These problems lie upstream and downstream of the actual process of renting or buying. Hence they lie upstream and downstream of the testing process itself.

Some landlords, home sellers, and real estate agents in a sundown town are willing to rent or sell to African Americans. Indeed, most may be. Some may even want to do so, to help their community transcend its racial past. Precisely owing to that past,

however, few African Americans may seek housing in the community. The town or county has built a reputation as an entity, based on policies and incidents stretching back for decades. It is not easy for acts by individual sellers, landlords, or agents to undo this corporate character. Indeed, the town's upstream actions, along with the reputation they have built up, may preclude the possibility of nondiscriminatory acts by individual.

After someone rents or sells to an African American family, downstream actions in a sundown town may undo the occupancy. For example, black children may get beaten up when they go to school. Police may follow, stop, and question family members or relatives and friends who visit them. Or a handful of teenagers may burn a cross on their lawn. Precisely owing to a community's racial past, police may feel they should challenge black newcomers, whose color by itself marks them as strangers. The 5% of the population who might shout racial slurs in any locale feel particularly empowered to do so in a sundown town. Testing cannot uncover such problems.

The likelihood of these upstream and downstream problems is precisely why the town must at least make the three statements noted above. If it refuses, then the town itself can be construed to be engaging in continuing discrimination. We cannot reasonably blame African Americans for not trying to move into a town with a known sundown reputation when the community has done nothing to put its reputation behind it.

### Remedy

Besides asking towns to make the three statements, reparations might be appropriate in some communities. Whites forced entire African American communities out of towns and counties as recently as 1954, some in response to Brown v. Bd.  
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People are still alive who left these locales in 1954; others are surely alive who helped force them out. Maybe you and your students (if you teach) or your paralegals (if you practice law) would like to bring one of these expulsions to light and to possible legal redress. Let me know. There are precedents for reparations. In 2002-3, Gov. Mike Easley apologized to the 7,600 citizens that North Carolina had sterilized — disproportionately people of color and poor people — and offered them health care and education as compensation. Florida did the same for the blacks driven from Rosewood in the 1920s. □

## **STEPS TO BECOMING MORE INVOLVED**

### **STEP ONE: CENSUS RESEARCH**

A first step is to look up the census information on racial composition in various years. The census provides the racial proportions of every town in the country with more than a few hundred inhabitants for 2000. Included is information as to age and sex in the black population and number of households with black adult householders. This information is particularly useful because it allows us to avoid misattributing residential status to African Americans living in institutions such as colleges or prisons or within white households as servants. Because many sundown towns gave up their prohibitions in the 1990s, even more useful are the 1990 census figures.

For 1860-1980, the racial composition of your town will be in the printed census in the bound volumes of the census at your local library or nearest university library. Most figures are also available online. Get the actual census figures, decade after decade. For small towns in many years, especially before 1940, the census does not list population by race, but you can amass it yourself from the "manuscript census" for any decade between 1860 and 1930 inclusive

(except 1890, most of which was destroyed by fire). This is the raw data of the census. Much of it is on the web at various sites, usually by state. Large libraries and genealogical collections also have it on microfilm. A website at the University of Virginia provides the racial proportions of every county from 1790 through 1960.

If you find a sharp drop in the black population, that is of course suspicious. If you only find low numbers of African Americans, decade after decade, that too is suspicious, especially if blacks are hardly absent from nearby towns and counties or if the town's total population is increasing.

### **STEP TWO: LOCAL HISTORIES AND NEWSPAPERS**

Once you have basic information on the town, go to the local libraries (in person) and read (skim) any local history books, such as centennial histories and county histories. Usually the local library has a local history room (or local history shelf, in small libraries). Probably you will find nothing about African Americans, but sometimes there are surprises. If there are notes on file for the county from the WPA Federal Writers Project (c.1935-40), skim those. Also, see if there are vertical files (newspaper clippings) on "blacks," "Negroes," "segregation," "Ku Klux Klan," and other related topics.

Then you can scan local newspapers for the decade between two adjacent censuses that show a sharp decline in black population, to see if it describes any actions whites took to cause the decline. Sometimes the nearest newspaper outside the town in question will be more forthcoming.

## **STEP THREE: COLLECT ORAL HISTORIES**

The next step is to conduct interviews, again in person is best. Ask the librarian in charge of the local history collection if s/he knows anything about the absence of blacks. Has s/he ever heard it might have been on purpose? Does s/he know of any stories (oral history) about anything bad that happened to a black family that tried to move into the town in the 1920s, 1970s, or any other decade?

Follow up by asking the librarian, "Who knows the most about the history of the town?" Every town has an expert. Then interview that person or persons. Ask, "who else should I talk with?" Is there a genealogical society? If so, attend its next meeting, after talking with its leader. Begin softly, maybe by asking what the town's major employers used to be. Eventually ask, "Have you ever heard that [name of town] used to keep out blacks?" Maybe mention that some nearby towns (by name) used to keep out blacks, and follow by asking if this community had the same policy. If folks say yes, then ask how they heard it, from whom, about when (year), etc.

Oral history is fine, so long as it is solid. Thus, if a person says "Blacks were not allowed..." follow up by asking, "How do you know that?" Seek details: "Did you ever hear of any family that moved in, then left?" etc. Also seek written sources, such as some ordinance about keeping out African Americans (or another group). The "ordinance," however, may be nothing more than a motion voted on in a city council meeting on a Tuesday evening in 1911, perhaps not even noted in the minutes of that meeting, and next to impossible to find now.

Repeat this process with the City Clerk and the head of the local historical society. Bear in mind, however, particularly with a local history society, that this usually does

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not work UNLESS you are there in person. Usually these folks just don't want to say anything bad about their town if they can help it. In person, however, they don't want to lie. And of course, you flatter them by telling them (correctly) that they are the expert on the town's history. Another good idea: go to the local nursing home, or to places where seniors live or hang out (community center, SRO hotel). Interview elderly people. Take good notes, including "quote notes" (with "") when you actually capture the phrase verbatim. Old folks love to hold forth on the long-ago past. Also talk with long-time realtors, minority group members in nearby towns, and other likely sources. The more people you can reach, the more likely you are to discover, and be able to corroborate, something.

#### **STEP FOUR: TRIANGULATE**

After you have some information, perhaps from oral history, then you may be able to triangulate with additional confirmations from others. For example, if you hear that your town once had a black or interracial neighborhood and its location, then check the plat book and deeds of sale: did many homes change hands at about the same time? If you learn the approximate date of a racial incident, check the newspaper and also the paper in the county seat or nearest larger town.

You can also ask African American senior citizens in the nearest biracial town; they may know something about your town, at least by reputation. Sometimes they know telling details. The manuscript census may even allow you to trace family names from your town to the nearest biracial community, if they left prior to 1930 (the last year it is available). You'll know best how to proceed at this point once you have a working base of information. □

*You've got the tools, now get to work!*

### **FUTURE ISSUES WILL TREAT:**

#### **GEOGRAPHIC INFORMATION SYSTEMS**

#### **REMEDIES, LEGAL AND OTHERWISE**

#### **BIBLIOGRAPHIC ISSUES: NOVELS, MOVIES, AND PLAYS THAT TREAT SUNDOWN TOWNS AND THOSE THAT DON'T.**

#### **RESEARCH TOPICS**

#### **SUNDOWN TOWNS AND JEWS, AMERICAN INDIANS, AND CHINESE AMERICANS**

#### **SIGNS, WHISTLES, SIRENS, AND ORDINANCES**

#### **SECOND GENERATION SUNDOWN TOWN PROBLEMS**