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Indiana's Civil Rights Commission: A History of the First Five Years

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Indiana's Civil Rights Commission:
A History of the First Five Years

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**INDIANA'S CIVIL RIGHTS COMMISSION:
A HISTORY OF THE FIRST FIVE YEARS**

by

David Sabol

Submitted in Partial Fulfillment of the
Requirements for the Degree of Master of Art
in the Department of History
of Butler University

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The price of the liberation of the white people
is the liberation of the blacks - the total liberation,
in the cities, in the towns, before the law, and in the mind.

James Baldwin
The Fire Next Time

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INTRODUCTION

Indiana's Civil Rights Commission evolved from the need to combat the often subtle racial injustices that permeated Hoosier society in the late 1950s and 1960s. A tradition of segregation along racial lines in Indiana was being challenged in the early 1960s by newly elected leaders who believed that their fellow black Hoosiers deserved to be treated fairly under the laws that were designed to protect their citizenship. For that reason, Indiana's new leaders chose to create a state government agency based on the federal model for a civil rights commission.

As early as 1941, President Franklin D. Roosevelt created a federal Fair Employment Practices Committee [FEPC] to oversee his policy of non-discrimination throughout the defense industry. The success of the federal FEPC led to its expansion in 1943 as an independent agency of the executive branch responsible not only for the defense industry, but for civilian government workers as well.¹ The FEPC later became the federal Civil Rights Commission.

Indiana's involvement in the civil rights movement of the 1950s and 1960s was overshadowed by the horrific outward displays of coordinated repression that many other states, mostly southern, subscribed to in order to

¹ Mario Einaudi, The Roosevelt Revolution. (New York: Harcourt, Brace and Company, 1959), 276-77.

maintain their traditions of segregation. Much of the white majority across Indiana quietly held the same racist beliefs as their southern counterparts. As one black Hoosier expressed it, "In Indiana racial discrimination is never imposed by the law. It was applied by custom and custom is harder to change than laws."²

With the formation of the Indiana Civil Rights Commission [ICRC] in 1961 and throughout its first four years of operation, Governor Matthew Welsh, a handful of Indiana's legislative members, the Civil Rights Commissioners and the ICRC director, Harold Hatcher, were continuously at odds with a large faction of racist white Hoosier society. The Commission was a threat to the sacred traditions of segregation upheld by many Hoosiers throughout the state. Therefore, Indiana's General Assembly moved slowly and cautiously to empower the Commission. Once the Commission became empowered, however, as I will show it held its ground, performed its functions, and strove endlessly to destroy the patterns of discrimination in Indiana, often without success.

Control of the civil rights movement in Indiana was tightly guarded by the powerful white majority. Media reports of the destructive battles in the South made Hoosiers all the more determined not to allow the movement to rage out of control in Indiana. The line of separation between blacks and whites in Indiana had been clearly understood and rarely discussed in public until the early 1960s. The few who dared to cross the racial boundaries in an effort to unite the black and white communities across Indiana became pioneers in Indiana's civil rights history.

² Andrew W. Ramsey, "Civil Rights And Poverty Problems Still Exist In Indiana," *The Indianapolis Recorder*, 31 July 1965.

1961 - The Birth of the Indiana Civil Rights Commission

The conclusion of World War II in 1945 brought about a realization in the United States that ongoing domestic racial discrimination was hypocritical to the U. S.'s victorious status. How could the U. S., in its new role as a world leader, justify to a world audience the use of its black citizens to fight against other countries known to be brutally discriminative, and still deny them their civil rights upon returning home? That particular question prompted both the federal and state governments to reexamine their beliefs, as well as their legislative stances, on civil rights over the next few decades. Indiana was no exception.

The formation of the Indiana Civil Rights Commission took over sixteen years to become a reality. The first group that was formed to monitor the civil rights of Hoosiers was created during the 1945 legislative session of Indiana's General Assembly. The General Assembly created a Fair Employment and Labor Act to address the issue of civil rights. The 1945 Fair Employment Act gave additional powers to the Division of Labor and the Labor Commissioner. Through the Act the Labor Division was empowered to use other agencies and expand its own powers in order to "aid in removing discrimination with respect to employment because of race, creed, color,

national origin or ancestry."¹ The Labor Commissioner was given a large salary increase of \$15,000 a year for his new duties. To justify the increase, the Commissioner assumed the following additional responsibilities: eliminating employment discrimination; making comprehensive studies throughout the state of employment discrimination, its effects and the best method to eliminate discrimination; drafting plans to eliminate widespread discrimination throughout Indiana's cities; creating programs for eliminating discrimination in both the public and private sectors; hearing complaints of discrimination and working with both parties to eliminate such discrimination; and recommending anti-discrimination legislation to the General Assembly.²

The legislature also created a nine member advisory board to help the commissioner carry out his additional duties. The board consisted of four members from the State Senate, four members from the House of Representatives, and the Lieutenant Governor. The 1945 Fair Employment Act was a starting point for what would eventually become the Indiana Civil Rights Commission.

Throughout the late 1940s and 1950s a few Indiana legislators tried to resurrect and rewrite a public accommodations law that dated back to 1885. The law was virtually useless because those who had been in power over the years, not only ignored the law but refused to administer it completely. The old law established penalties of up to \$100 fines or thirty days in prison for anyone found guilty discriminating against others in inns, restaurants, eating houses, barber shops, theatres, and basically all public places. The few times the law was brought before a court, the court re-interpreted the law, which

¹ Indiana, *Laws* (1945), 1500.

² *Ibid.*, 1500-1502.

greatly diminished the law's power.³ According to Indiana historian Emma Lou Thornbrough, "from the time of its enactment the (1885) law was generally a dead letter, so widely ignored that most citizens were probably unaware of its existence."⁴ Attempts by post WW II state legislators to strengthen the 1885 law for contemporary use were unsuccessful.

It was not until 1949 that the legislature adopted, for example, an enforceable anti-discrimination act for Indiana's public schools. The state legislature passed an equal education act which outlawed segregation in schools by race, creed or color. The act also banned discrimination in the hiring of teachers. Even though Indiana's law preceded the national ban on school segregation brought about by the U. S. Supreme Court ruling in 1954 of *Brown vs. the Board of Education*, the enforcement of the 1949 law throughout the state was ineffective. Many schools, such as Attucks High School in Indianapolis, remained segregated until the 1960s and 1970s.

Indiana's attempts at civil rights legislation during the decade and a half following WW II were well-intentioned. However, the success of the legislation in eliminating racial discrimination in the state was discouraging, especially for the minorities still plagued by intolerance. Black Hoosiers were still not free to use all public accommodations, and were still not welcomed, or even physically allowed in a number of Indiana's communities. Housing conditions of Indiana's minorities were inferior to the white population. Some schools remained segregated. Overall, Indiana had failed legally to break the chains of racial discrimination. Not until a change of administrations in 1961 would a more forceful effort be made by the state to

³ Emma Lou Thornbrough, "Breaking Racial Barriers to Public Accommodations in Indiana, 1935 to 1963," *Indiana Magazine of History* 4, (December 1987) 303.

⁴ Ibid.

attempt to reverse the discrimination that still faced the growing minority population in Indiana.

The gubernatorial elections of 1960 were an important turning point for civil rights in Indiana. Although admittedly neither major party candidate gave much consideration to the issue of civil rights, the Democratic candidate Matthew Welsh did deliver a campaign statement on civil rights before a predominately black audience at a Democratic rally held in the Madame Walker Theatre in Indianapolis on October 27, 1960:

...We must act now to provide employment on the basis of ability. Every person has the right to go as far as his ability will take him. Yet reports show that many of our firms in Indiana discriminate. We must pass a strong Fair Employment Practices Act with teeth and I'll lead the fight for it...⁵

Welsh continued by addressing the issues of discrimination in housing, education, government employment, and public accommodations. He concluded:

...All these issues must be faced squarely. We must stop this terrible waste of human ability. Your Indiana government must set the moral tone with bold, imaginative action under the leadership of a Governor who is indignant enough about present conditions to do something about them...⁶

Welsh's speech laid the groundwork for what he hoped would be his future administration's stance on civil rights. However, the public's apathy toward the subject at the time was evident in the fact that even after Welsh's speech, civil rights never became a campaign issue. Welsh won the race for governor of Indiana in 1960. Directly after his victory, Welsh's transition

⁵ Matthew E. Welsh, View From the Statehouse: Recollections and Reflections, 1961-1965, (Indianapolis: Indiana Historical Bureau, 1981) 62.

⁶ Ibid.

team began the arduous task of working with members of the upcoming state legislature to put into law many of his campaign promises, including civil rights.

In December of 1960, as Governor-elect Welsh worked to organize his administration, a new state-wide group formed to push for more comprehensive civil rights legislation. On December 17, civil rights leaders from across the state gathered at a meeting in Indianapolis at the World War Memorial to organize themselves into a new organization called The Indiana Conference on Civil Rights Legislation. The group's main effort was to pressure the new legislature to form an Indiana Commission on Human Rights to function as an independent administrative body with powers to oversee Indiana's civil rights laws. The conference leaders envisioned the new group having three commissioners and an executive director, all appointed by the governor.

Welsh attended the meeting and reaffirmed his campaign pledge for increased civil rights legislation. In his short speech, Welsh criticized the lack of enforcement of Indiana's civil rights laws in the past: "Injustice has been ignored too long . . . much remains to be done in Indiana in achieving in fact the decency and fair play of which we Hoosiers boast."⁷ He described his ideas for new legislation toward a stronger and more effective Fair Employment Practices Act. Welsh's goal was to put an end to discrimination in housing, employment, and public accommodation's. Indiana House Speaker Richard Guthrie, a Republican, also attended the meeting and promised to give his support to enacting stronger civil rights legislation without playing partisan politics.⁸

⁷ "Welsh To Push For Civil Rights," *The Indianapolis News*, 17 December 1960.

⁸ "New Group To Push For Civil Rights Laws," *The Indianapolis News*, 19 December 1960.

On January 9, 1961, Welsh was sworn in as Indiana's forty-first governor. For the first time in Indiana's history, a governor's inauguration address contained a section that addressed the need for improved civil rights legislation:⁹

... My administration will make a determined effort to secure for all our citizens the rights and privileges now arbitrarily denied to many. For if we fail to achieve this, we fail not only our own high principles, but we fail our own nation in its struggle against those both here and abroad, who would strip from man all his rights as an individual and make of him only a tool of the state....¹⁰

Nine days passed before Welsh went before the General Assembly to present his civil rights legislation package. His two-part package included the creation of a bi-partisan Civil Rights Commission, made up of five commissioners appointed by the governor for staggered four-year terms, an executive director, and a secretary and staff. The Commission's responsibilities, as Welsh saw them, included investigating discrimination complaints, holding hearings, gathering witnesses and records, and issuing cease and desist orders. Welsh sought \$150,000 for the first two years of the Commission and asked that it be up and running by July 1, 1961.¹¹

The second part of Welsh's civil rights package sought to require:

...Employers to hire and promote employees on the basis of individual qualifications, instead of on racial or religious considerations.

Labor unions to grant full and equal membership rights to minority groups.

⁹ Thornbrough. 1987, 332.

¹⁰ Indiana, *House Journal* (1961), 51.

¹¹ "Civil Rights Laws Sought By Welsh," *The Indianapolis Times*, 18 January 1961.

Public utilities and firms doing business with the state to sign non-discrimination contracts.

Hotels restaurants and other places of public accommodation to provide services to all who seek them.

Apartments and housing projects of at least five units to offer their facilities for rent or sale to all persons....¹²

In late January, 1961, the civil rights package presented by Welsh was written into two Indiana Senate bills. Senate Bill 116, co-authored by Senators Jack H. Mankin of Terre Haute and William C. Christy of Hammond, set up the Indiana Civil Rights Commission. Senate Bill 108, co-authored by Senators V. Dewey Annakin of Terre Haute and Melville E. Watson of Greenfield, updated the 1885 accommodations law which had prohibited discrimination in any public accommodation, and was contingent upon the passage of Senate Bill 116. Both bills came to a vote in the Indiana Senate on February 14, 1961, and passed by wide margins: Senate Bill 116 passed 41 to 7, while Senate Bill 108 passed 40 to 8. The senators who voted against the measures did so, they said, because they felt the bills were in direct violation of Indiana's constitution, which specifically prohibited a contingency bill. After approving the bills, the Senate sent the measure over to the Indiana House of Representatives for a vote.¹³

Both civil rights bills faced uncertain outcomes going into the House, for while the Senate majority was Democrat, the House majority was Republican. Civil rights leaders feared the bills might not make it through the Republican House. Early in the session House leaders published a list of their priorities for the 1961 session. Reverend Ford Gibson the council president of the National Association of American Colored People (NAACP) challenged

¹² Ibid.

¹³ "Two Civil Rights Bills Passed By Senate," *The Indianapolis Star*, 15 February 1961.

House Speaker, Richard Guthrie, on the absence of the civil rights bills from the House's published priority list. Guthrie, who had pledged earlier not to play politics with civil rights, responded to Gibson's concern over the priority list by saying the omission was unintentional. Gibson warned the house leader that if the House Republicans were not willing to help pass the civil rights bills, then, "I will do everything in my power to lead as many Negroes as I can away from the Republican Party."¹⁴ The House began to consider the bills once the Senate had voted.

On February 25, 1961 a judiciary committee within the House of Representatives debated the two Senate bills. The following day the two bills were presented to the full House for debate and an eventual full House vote. Both bills had been drastically changed by the House judiciary committee. Senate Bill 116 was altered to create a Fair Employment Practices Commission with powers only to investigate and inform of any discrimination violations. The mention of a Civil Rights Commission with the power to enforce the law had been removed. Senate Bill 108 was also rewritten to exclude enforcement powers and to eliminate its contingency upon Senate Bill 116.¹⁵

The Indiana House voted on March 2, 1961. That evening's *Indianapolis News* detailed the events that had taken place earlier in the day:

...Watered down civil rights legislation has passed the House and is headed for conference committee for an attempt at working out differences with the Senate version of the bills.

Essentially all the new bills do that isn't already in law is give the Fair Employment Practices Commission the power of

¹⁴ "Gibson Scores House Speaker 'n Rights Fight," *The Indianapolis Recorder*, 14 January 1961; "NAACP Leads March, Prayer For Freedom Now," *The Indianapolis Recorder*, 11 February 1961.

¹⁵ "Two Civil Rights Bills Ammended; Passage Urged," *The Indianapolis Star*, 26 February 1961.

subpoenaing witnesses and to outlaw racial discrimination by firms doing business with the state.

The commission would recommend additional legislation, but would not be allowed to divulge the information it gained in its investigations.

Several amendments proposed by Democrats were defeated, and the Democrats in the House rose as a body as their leader, Birch E. Bayh (D-Terre Haute) protested the condition of the bills....¹⁶

It is clear that the House and the Senate did not agree on the two civil rights bills. After the changes were made and passed in the House, both bills were sent to a conference committee made up of members from both the House and the Senate. The committee worked out a compromise suitable to both chambers and set the bills up for their final votes by the entire General Assembly.

Precisely two months following Welsh's inauguration, on March 9, 1961, the Indiana legislature passed its new civil rights legislation. The new law, known as The Fair Employment Practices Act of 1961, provided the state with an independent agency whose responsibilities were more than they ever had been, yet were less than the original proposal. The preamble described it as:

An act to create an Indiana Civil Rights Commission, defining its functions, powers and duties; to prevent and eliminate practices of discrimination in employment and otherwise against persons because of race, religion, color, national origin or ancestry; and providing for the appointment and compensation of its officers and employees.¹⁷

The provisions for the new commission outlined in the act included the creation of a Fair Employment Practices Commission (FEPC) made up of five

¹⁶ "Weakened Rights Bills Adopted," *The Indianapolis News*, 2 March 1961.

¹⁷ *Indiana, Laws* (1961), 500.

bi-partisan commissioners and an executive director, all appointed by the Governor. According to the law, the terms of the commissioners were four years and were to be staggered. The commissioners were to elect a chairman and vice-chairman from within the five, who would serve for terms of one year before another election was held. A monthly meeting by the commissioners was mandatory; however, the chairman could call more meetings if necessary.

Section 6 of the Act of 1961 set forth the duties and powers for the FEPC. The Commission had the authority to make policies regarding discrimination to be followed by all state and local government agencies. In addition, any government agency would have to provide records and documents to the Commission, if so requested. The Commission had the power to "receive and initiate and investigate the charges of discriminatory practices."¹⁸ The Commission's duties also involved making studies of employment discrimination throughout the state and concluding the studies with recommendations as to how effectively to eliminate discrimination problems. Additional responsibilities encompassed in the act required the Commission to issue publications promoting good will and show how to eliminate discrimination, as well as report to the legislature at least once a year on the work of the Commission and recommend new civil rights legislation. The law also empowered the Commission to subpoena witnesses and take testimonies under oath.

Section 7 of the Act of 1961 called for a comprehensive study to be made by the Commission of the history of prejudice, its effects and its incompatibility with American principles. It was to be distributed by the State

¹⁸ Ibid., 503.

Department of Public Instruction.¹⁹ Finally, the General Assembly in the Act of 1961 allotted \$120,000 for two years to be used by the Commission to carry out its functions.

The outcome of the long awaited civil rights legislation left both a good and bad reputation of the 1961 Indiana State Legislature. The bills gave the FEPC more power than it had in the past and finally addressed the dormant 1885 Accommodations Law by making its application more comprehensive. However, the legislation also left the FEPC virtually powerless. Without the cease and desist powers originally included in the bill, the FEPC was allowed only to investigate allegations of discrimination and supply local prosecutors with the information. If the FEPC had been granted the cease and desist power, then it would have been able to bring alleged discrimination cases to court. In addition, the continuation of the FEPC's old title did nothing to change the public's perception of the newly created agency. The question being asked following the session was: was it a Fair Employment Practices Commission only, or was it really a more comprehensive Civil Rights Commission? The vagueness of title left the Commission with a great deal less authority than had been initially intended.

Critics of the new law protested that the entire act was poorly written and contained discrepancies causing the local press and even some legislators to question its validity. Indiana Attorney General Edwin K. Steers approved the law but was instructed by Welsh to review the law on March 22, 1961, because of discrepancies brought to light by Samuel Lesh, director of the Legislative Bureau. *The Indianapolis Times* described a few of the discrepancies in the law:

¹⁹ Ibid., 500-505.

...The title of the bill refers to an Indiana Civil Rights Commission, but the bill itself creates a Fair Employment Practices Board.

The law specifically provides for a five-man board and just as specifically describes how the Governor shall appoint seven members.

Although the law will not become effective until officially published, probably in late summer, it provides a \$120,000 appropriation as of July 1. It does not say who is to receive the money or whether the appropriation is for one year or two....²⁰

Lesh described the bill as "very sick" and questioned the constitutionality of it because of the glaring discrepancies. Attorney Rufus C. Kuykendall, chairman of the Indiana Conference on Civil Rights Legislation, backed by Steers and Welsh, issued a statement a few days after Lesh attacked the legislation, stating that the bill was constitutional and was open for interpretation. Even though discrepancies in the law were discovered, the law remained unchanged.²¹

Once the confusion over the civil rights legislation had dissipated, the work of selecting the commissioners and executive director fell upon Welsh. On June 1, 1961, Welsh announced his choices. For the position of executive director he named Harold O. Hatcher, a white man, who had most recently been the director of the Association for Merit Employment. The executive director was a full-time position, unlike the five commissioner posts. Hatcher served as the commission's executive director until 1969.

Hatcher was born in 1907 and was raised in Greensburg, Kentucky. He graduated from Indiana University in 1927 and received a Master's degree from the University of Chicago in 1928. The following two years for Hatcher

²⁰ "Errors May Erase Civil Rights Laws," *The Indianapolis Times*, 22 March 1961.

²¹ "ICCRL Head Says Discrepancies Do Not Affect Law," *The Indianapolis Recorder*, 25 March 1961.

were spent in study at the Chicago Theological Seminary, where in 1930 he received a Bachelor of Divinity degree. Hatcher continued his studies in 1931 as an exchange student in Germany. He returned to the United States in 1932 and served as the secretary-treasurer of the Illinois Farmer's Union for three years. In 1935 he moved to New York to become a research director for the Council of Social Action at the national headquarters of the Congregational Church (United Church of Christ). After two years, in 1937 Hatcher accepted the position of department manager of the Eastern Cooperative Wholesale, which served consumer-owned retail stores in New York. In 1940 he moved to Indianapolis as the manager of Cooperative Services, Inc., where he remained until 1956. He was appointed Director of the Jobs Opportunities Program of the American Friends Service Committee, the forerunner of the Association for Merit Employment, wherein he remained director until 1961. In 1957 Hatcher was also appointed as the secretary of the Mayor's Commission on Human Rights in Indianapolis. At the time of his appointment in 1961 to executive director of the FEPC, Hatcher was married and had three children.²²

Along with his announcement of the executive director's position, Welsh named the five new commissioners to the FEPC; three were Democrats, two were Republicans. The commissioners named were Herman M. Anderson, a Democrat from Gary, Indiana, an employee of the U.S. Steel company, and the only black appointed; Byron Novinsky, an attorney and Democrat from Fort Wayne, Indiana. Novitsky was the first president of the Indiana Jewish Community Relations Council; Dean Joseph O'Mara, a Democrat from South Bend, Indiana and Dean of the University of

²² "Local Liberal Has Outstanding Civil Rights Record," *The Indianapolis Recorder*, 3 June 1961.

Notre Dame Law School; Mrs. A Dale Fiers, a Republican from Indianapolis; and Richard A. Peterson, a Republican from Indianapolis and the director of industrial relations for Western Electric.²³ Welsh recommended that the commission members meet a few days after they were appointed in order to elect a chairman and prepare themselves for beginning their duties on the first of July.

All five of the commission members and the director met in the governor's office on June 16, 1961. At the gathering each member took his oath of office and was sworn in. Around 2:30 that afternoon the Commission held its first formal meeting. Setting priorities, organization of the Commission and elections were on the agenda. Agreements were made to begin the operations of the Commission on July 1, 1961, find suitable office space, research state statutes that pertained to civil rights and distribute them to all Commission members, and begin collecting facts concerning the status of minority job opportunities within the Indiana state government. In addition, the members agreed not to take on any complaints until the Commission was completely organized and properly functioning. They also agreed to hold meetings across the state and include educational sessions along with their gatherings.²⁴

After setting their priorities, the commissioners held elections for a chairman and vice-chairman. Commissioner Anderson made a motion to elect Richard Peterson the chairman. The motion was seconded by Commissioner Novitsky and was approved. Peterson then made a motion to elect Anderson vice-chairman which was seconded by Dean O'Meara and

²³ Ibid.

²⁴ Indiana Civil Rights Commission Minutes To Meeting, Indiana State Archives, Indiana Civil Rights Commission Records, DV 121, 16 June 1961.

approved. In addition it was decided that the two Indianapolis commissioners, Fiers and Peterson, be responsible for assisting Hatcher in the selection of the Commission's staff members.²⁵

In the first week of July, 1961 the Commission announced it would add a research position to assist Hatcher. The position was filled by Virginia Heiss. Heiss, an Indiana native, graduated from Purdue University and worked in the research department of the Community Service Council. Her post on the FEPC paid an annual salary of \$5400.

As far as records show, the Commission's first few months were spent busily researching civil rights facts and figures and organizing itself. There were no official complaints against discrimination formally brought before the commission in 1961.

The Commission's findings about minority status in state government was used by Welsh during a state departmental meeting held on November 8, 1961. Hatcher spoke before representatives from thirty-five state departments about the findings of the Commission's research. The Commission's report found 16 out of 104 departments employed no blacks; and there was a relative scarcity of non-white employees in jobs at higher salary levels. Welsh challenged the state's department heads actively to pursue hiring minority applicants to set an example for both private and public industry.²⁶

A month later, Welsh signed Executive Order No. 5, which outlawed racial and religious discrimination by any state government agency or any state contractor. The order contained three sections: the first required all state departments to submit to the Civil rights Commission a study of its hiring

²⁵ Ibid.

²⁶ Indiana Civil Rights Commission News Release, Indiana State Archives, Indiana Civil Rights Commission Records, A3514, Box 15 of 18, 15 November 1961.

practices; the second required state contractors to add a non-discrimination clause to their contracts; and the third required automatic termination of any contracts by contractors unwilling to follow the non-discrimination compliance. The governor's executive order reaffirmed his support for a Civil Rights Commission in Indiana.²⁷

In November of 1961, the Commission published and distributed its first pamphlet entitled *Civil Rights In Indiana*. The free publication was an attempt by the Commission to educate the public on civil rights. Contained within the pamphlet was a message from Welsh explaining the need for all Hoosiers to work together to ensure that "no citizen has less freedom, less opportunity, or fewer rights than any other citizen."²⁸ The pamphlet presented a condensed version of every Indiana law pertaining to civil rights throughout the state's history as well as the 1960 Democratic and Republican Parties' stances on civil rights, the civil rights resolutions of economic and religious organizations, and a listing of the public civil rights agencies in Indiana.²⁹

The FEPC expanded in December of 1961 with the addition of a deputy director. Hatcher appointed civil rights activist Osma Spurlock to assist with educational projects and the planning of an annual state wide conference. Spurlock, a native of New York, received her Bachelor's Degree from Hunter College and her Master's Degree from Atlanta University. Her past employment record included teaching and serving as Dean of Women at Arkansas A.M. & N. College. She organized and chaired the Indianapolis chapter of the

²⁷ Executive Order No. 5-61, Matthew E. Welsh Papers, Indiana State Archives, Governor Welsh Files - Welsh Releases, A 6781, 1961; "Order Curbing Bias By State Contractors Issued By Gov. Welsh," *The Indianapolis Recorder*, 16 December 1961.

²⁸ Indiana Civil Rights Commission, *Civil Rights In Indiana*, Indiana State Archives, Indiana Civil Rights Commission Records, R 5485, Box 3 of 3, 1961.

²⁹ *Ibid.*

American Council on Human Rights, served for five years on the board of the Marion County Health and Hospital Corporation, and was appointed to the Commission on Human Rights by Indianapolis Mayor Phil Bayt. Spurlock began as deputy director of the FEPC on January 15, 1962, with a salary of \$6900, which at the time was the highest paid job held by a woman in Indiana's state government.³⁰

Much had happened throughout 1961 to bring about a fully functioning Civil Rights Commission. Although there was a great deal of work left to accomplish for the Commission, the foundations had been established. Because of the controversy presented in the legislature over the Commission and its powers, the fate of the Commission was closely followed by both public and private citizens. Indiana's Civil Rights Commission was a testimony to the fact that Hoosiers had not overcome their racial biases and intolerance. However, by the close of 1961, attempts were being made by the State of Indiana to reverse the entrenched discrimination that had plagued so many Hoosiers for so many years.

³⁰ "Social Worker Named To Civil Rights Position," *The Indianapolis Recorder*, 23 December 1961; Indiana Civil Rights Commission News Release, Indiana State Archives, Indiana Civil Rights Commission Records, A3514, Box 15 of 18, 20 December 1961.

1962 - The Commission Experiences Growth

The year 1962 marked the year America chose to celebrate the centennial of Abraham Lincoln's Emancipation Proclamation. By 1962 black Americans were certainly no longer legally slaves, yet they were not entirely free. The interim century was full of progress for America, but progress for blacks in America was slow. Black members of Hoosier society were still unable to purchase property where they chose, were not welcome in certain schools, factories, restaurants, or communities, and were still considered by many to be second-class citizens.

A national survey conducted throughout 1960-61 by the U.S. Commission On Civil Rights was released in 1962; it covered the status of all fifty states' civil rights policies. The picture of Indiana, according to the survey, was comparatively poor:

A civil rights statute of 1885 makes discrimination in public transportation because of color unlawful.... Indiana's long-standing laws forbidding discrimination in hotels, restaurants and public places have been, as previously mentioned, honored in the breach.... Marriage between white and Negro is prohibited by law in Indiana.... It is well known in Indiana that Negroes are, to all practical effect, forbidden to establish residence in one-third of the state.... *'Niggers - Don't let the sun go down on you here!'* - sign seen in a number of county seats and smaller communities in Southern Indiana only a few years ago.... The law has obviously been well in advance of community practices in relation to discrimination in Indiana. As in several northern states, statutes have been on the books for years

forbidding discrimination in public accommodations, housing and employment in Indiana. There has been no reported enforcement.¹

The report further detailed the lack of fair employment practices instituted by Hoosier businesses for blacks, especially in jobs requiring higher skills such as office, sales and engineering jobs. Indiana's poor housing conditions for black Hoosiers also came under the scrutiny of the Commission's report. Critical to the outcome of the report on housing was the grim prospect that segregated housing in Indiana was forecast to continue and even accelerate before a solution could be implemented. To assess this problem the report considered minority housing in four Indiana cities: South Bend, Fort Wayne, Anderson and Indianapolis. The Commission concluded:

1. 50% to 98% of the non-whites in the four cities occupy substandard housing.
2. Non-whites are almost exclusively confined to undesirable neighborhoods.
3. Minority groups fail to receive the proportional share of new housing.
4. All housing is constructed on a segregated basis.
5. No mortgages can be obtained for non-segregated housing.
6. Real estate boards do not admit members of minority groups.²

Indiana in 1962 was far from being "a land of the free" for the state's entire population. Over a quarter of a million Hoosiers, because of their skin color, were denied equal access to accommodations and services throughout Indiana.³ That trend was about to change, however, as Indiana's state and local governments began to put in place the structures that would be vital to

¹ Richard Barnett and Joseph Garai, *Where the States Stand on Civil Rights*, (New York : Sterling Publishing Company, Inc., 1962), 53-55.

² Ibid.

³ Indiana Civil Rights Commission, *Facts and Figures*, Indiana State Archives, Indiana Civil Rights Commission Records, A 3514, Box 3 of 3, 1962, p. 2.

the process of eliminating discrimination. The Indiana Civil Rights Commission, still officially called the FEPC in 1962, was a symbol of hope. The year would provide the Commission with a challenge to strengthen its internal organization, as well as deliver the necessary functions and changes it was designed to provide for all Hoosiers.

The Indiana Civil Rights Commission released two surveys in January of 1962 that had been underway since the autumn of 1961. The Commission's survey on the educational status of unemployed persons revealed that non-whites were twice as likely as whites to be unemployed in Indiana; and whites were twice as likely as non-whites to have graduated from high school.⁴ The result of the survey reaffirmed the long-held belief that education directly affected the status of employment among both whites and blacks.

The Commission's second survey, which was nearly finished in January 1962, reported on the status of equal accommodations across Indiana. At the time, the Commission had surveyed twelve out of seventeen Indiana cities and 1,443 out of 2,000 places of public accommodations. The results of the survey indicated that blacks were more likely to be served a meal at dime-store lunch counters, and most restaurants in larger cities; and were less likely to be served at restaurants and taverns that served alcohol. Most parks, swimming pools and theatres afforded equal service, yet most skating rinks denied service to blacks. The fear of a loss of business and white customers' reactions were the most common reasons given by business owners for their refusal to serve blacks on an equal basis.⁵

⁴ "More Uneducated Negroes Than Whites Jobless, Survey Shows," *The Indianapolis Recorder*, 6 January 1962; "Census Notes Non-White Lack In Education," *The Indianapolis Recorder*, 17 February 1962.

⁵ Indiana Civil Rights Commission, "Civil Rights Commission Report on Equal Accomodations Survey", Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 23 January 1962.

Prior to the publication of the Commission's accommodations survey, Governor Welsh spoke at a race relations workshop in Indianapolis. His message paralleled that of the survey:

...Anyone familiar with race relations in Indiana knows that we have fallen short of our legislatively proclaimed public policy of equal rights for all citizens.... Our fundamental legal framework still leaves something to be desired, as you will remember from the legislative battle of last year when we sought a stronger Civil Rights Commission.... We do not now have on the Indiana State Police Force of more than 600 troopers a single Negro....

Our Civil Rights Commission has surveyed state employment to determine by departments the proportion of Negroes and their salary levels. This picture is generally better than it has been in the past, but it has significant room for improvement....

We know too that there are still areas of Indiana both north and south of Indianapolis in which Negroes find it difficult or impossible to eat in restaurants, register at hotels or motels, and otherwise obtain public accommodations.

We know full well that severe discrimination exists in housing in many areas. Race is an unstated but existing qualification for purchase of real estate in many places in Indiana. And this qualification has the tacit, and sometimes outspoken support of the communities in which it exists....⁶

Even though Welsh addressed the problems of discrimination throughout Indiana, he also pointed out that his administration was working to eliminate many of the injustices through agencies such as the Civil Rights Commission.

Few government agencies escape the problems often associated with new growth. By January 1962 the Indiana Civil Rights Commission was into its sixth month of operation. An apparent miscommunication between Welsh and Commissioner O'Meara over the executive order Welsh issued on

⁶ Matthew E. Welsh, "An Address by Governor Welsh to the Area Workshop on Race Relations." Speech delivered to Race Relation Workshop sponsored by the Indiana Area of the Methodist Church, Indianapolis. Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 6 January 1962.

December 12, 1961, concerning discrimination in state employment, caused O'Meara to write a hostile letter to Welsh on January 9, 1962, wherein he offered his resignation. O'Meara proposed that Welsh include in the executive order an additional provision which would have strengthened the state's policy against employment discrimination. When the order was issued, however, the provision was not included.⁷ In his resignation letter to Welsh, O'Meara expressed his displeasure over the entire matter:

...In place of the essential provisions which you eliminated from the order before issuing it, you substituted simply the language of the statute itself (Sec. 10 of the Indiana Fair Employment Practices Act). What is accomplished by simply repeating the statute? Nothing. It is an empty gesture, as you know.

When I began work on the executive order which the Fair Employment Practices Commission approved and submitted to you on October 18, 1961, I said to those who were collaborating with me that the proposed order would soon make clear whether you were really interested in civil rights. It has done exactly that. You talk a good civil rights program, but you are unwilling to DO what MUST be done to effectuate the State's policy against non-discrimination in employment. You are not interested enough to ACT....⁸

Welsh responded on January 15, 1962 with a letter to O'Meara regretting his decision to resign, but Welsh accepted the resignation and offered an explanation:

...The proposed executive order was, as a matter of course, submitted to the Attorney General for opinion and the order as actually issued was worked out by Mr. Hatcher and the Attorney General's office. It was felt unwise at this early stage in the life of the new Commission to differ or be at cross purposes with the Attorney General, and for this reason his recommendations were accepted; and I understand that the other members of the Commission were

⁷ Dean Joseph O'Meara to Governor Matthew E. Welsh, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 9 January 1962.

⁸ Ibid.

in agreement. I regret the oversight on my part in failing to discuss the order with you, but this was overlooked in the press of business.⁹

The following day, January 16, Commissioner Novitsky wrote a letter to Welsh supporting his civil rights record and his response to O'Meara's resignation. Novitsky implied that O'Meara was impatient and acted unreasonably over the incident.¹⁰ Welsh responded to Novitsky's letter on January 19:

Thank you so much for your letter of January 16 concerning Dean O'Meara's resignation. I frankly felt his language was intemperate, even though I did understand the reason for feeling as he did.

I am certainly happy to know that you agree with me that patience in some of these matters is frequently the better policy....¹¹

The incident drew a fair amount of publicity from the Indianapolis press; however, neither the Commission's reputation nor the Governor's was damaged from the exposure. What followed was an active search by Welsh, Hatcher and the remaining Commissioners to fill the vacancy left by O'Meara.

On January 23, 1962, Welsh received a letter of recommendation for John J. Murphy, the manager of Office Operations at Cummins Engine Co., Inc., in Columbus, Indiana, to be considered as an appropriate replacement for O'Meara. Alan T. Nolan, a local attorney whom Welsh had asked to look into suitable replacements, offered Murphy's name as the best candidate:

⁹ Governor Matthew E. Welsh to Dean Joseph O'Meara, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 15 January 1962.

¹⁰ Byron F. Novitsky to Governor Matthew E. Welsh, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 16 January 1962.

¹¹ Governor Matthew E. Welsh to Byron F. Novitsky, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 19 January 1962.

In terms of biographical data, Mr. Murphy is a Democrat and a Roman Catholic. He believes in race equality, and he believes that there is a proper governmental role in the obtaining of equal civil rights for all. He has a natural interest in the type of work in question and is well known as a sensitive and conscientious person in any activity which he undertakes.... I have known Mr. Murphy for a number of years and vouch for him in all circumstances.¹²

Nolan's recommendation was accepted and John Murphy became the sixth Commissioner for the Civil Rights Commission.

Despite the personnel changes that occurred during January 1962, the Commission was challenged to continue its duty of educating the public on civil rights matters. At the Commission's January meeting, Hatcher suggested, and it was agreed by all the Commissioners that the Commission move ahead with a plan to make a civil rights film to fulfill part of its educational duties. The idea of making a film had been introduced to the Commission in August 1961, but at the time the cost of production seemed too high for the Commission's budget. As an alternative, the Commission viewed a number of films already produced in the area of civil rights, most of which were unsuitable or outdated for their purposes. However, the Commission found one film acceptable and purchased it. According to Hatcher, the film purchased was used constantly by both the Commission and the media with the intention of reaching a wide audience.

Hatcher sought the support of television stations and the Department of Public Instruction for use of a civil rights film. The reactions were favorable. He, therefore, submitted and received approval from the state budget agency to spend up to \$15,000 to produce and distribute a film for the Commission.

¹² Alan T. Nolan to Governor Matthew E. Welsh, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 23 January 1962.

At the February meeting of the Civil Rights Commission approval by vote was given to spend \$2,000 for a film script. In addition, the Commission voted to set up a committee to work along side the script writers to insure the best possible story. Five Indianapolis community leaders agreed to be a part of the Commission's committee: Mr. Prigge of the Department of Public Instruction; Mr. Foland, Public Service Director for WFBM-TV; Alfred Edyvean, Radio and TV Director for Butler University; Robert Gordon, Executive Director of the Anti-Defamation League of B'nai B'rith; and Frank McAllister of the Indiana State Chamber of Commerce.

The committee investigated potential script writers and finally suggested two candidates - Russell Benson and the team of Ruth and Mike Wolverton, both from Indiana University's Audio Visual Center. Hatcher was impressed with the Wolvertons and personally researched their references and interviewed them at length.

The Wolvertons were invited to present their credentials and ideas on the film to the Commissioners at the March Commission meeting. The Commissioners unanimously voted to hire the Wolvertons to write the script. The Wolvertons agreed and promised to complete the script in three months.¹³

On March 25, 1962, *The Indianapolis Star* wrote a scathing article about the the Commission's attempt at filmmaking.

Intentions of Harold O. Hatcher to become a movie producer appear headed for the category of dreams that won't come true.

Hatcher is director of the State Civil Rights Commission and thought it would be nice to spend \$15,000 for a picture about his aims.

¹³ Harold Hatcher to Governor Matthew E. Welsh, Memorandum on Film Project, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 29 March 1962.

Even the supposedly economical Budget Committee approved it, but Richard Martin, press secretary for Governor Matthew E. Welsh, declared that the legal aspects must be considered first.

Hatcher planned to hand the \$15,000 to Indiana University to make the film without asking for bids.

Martin said it must be cleared by the attorney general.

Even if it is, the Department of Administration will reject it unless Welsh makes it a command performance.¹⁴

Such negative publicity prompted Hatcher to explain to Welsh all aspects of his and the Commission's plans for the film. Hatcher described how the Commission sacrificed adding staff, chose used office furniture over new, and kept the operating expenses to a minimum in order to save money for the film. Hatcher concluded,

We shouldn't send a boy to do a man's job, nor should we hire an employee or two to do a job that can be done better and cheaper with a film. (We can see no reason for delaying this project.) The only possible opposition we have detected to this proposal is a couple of unsympathetic comments in our morning newspaper. That may be based on a misunderstanding of our intentions since we had not taken the opportunity to give them pertinent information. If films were not an effective tool in changing the thoughts and actions, I don't believe most leading corporations would have paid the premium prices to get them produced and would have spent thousands of dollars to obtain TV time which is available to us free - if we prepare ourselves to use it.¹⁵

The Indianapolis Star may have been correct in their assertion that the Department of Administration halted any production of the film even before the Commission had a chance to begin. No records exist that confirm a budget cut, or explain why the film was never made. However, the script entitled "Beyond Sight" was finished and submitted to the Commission by

¹⁴ "Movie Producers Dream Shattered," *The Indianapolis Star*, 6 January 1962.

¹⁵ Harold Hatcher to Governor Matthew E. Welsh, Memorandum on Film Project, Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 29 March 1962.

the Wolvertons, who were paid for their service. The film, however, was destined to remain unproduced.

One of the main functions of the Commission was to accept and investigate complaints of discrimination. In 1962, a number of complaints were received and reviewed by the Commission. One such complaint involved a company named Advance Distributors of Orlando, Florida. The company issued a policy that its product, the Holy Bible, could no longer be sold to blacks. The Commission informed Advanced Distributors that its policy was against Indiana's Public Accommodations law. The ironic factor in the company's policy was that ninety percent of their business in Indiana came from the black community.¹⁶

Another complaint, by a black student at Indiana University in Bloomington, led the Commission to seek its first public hearing in May 1962. Nancy Streets, a black I.U. beauty queen and her five friends, two of whom were black, were refused entrance into the Roll-O-Rama Raceway skating rink in Bloomington on April 13, 1962, by Robert Jones, the owner of the rink. According to Streets, Jones used a revolver to threaten them before they finally left. Jones said he refused entrance to Streets and her party because his establishment was a private club. According to Streets, she had called the rink prior to their going and was assured it was open to the public. The Commission voted to hold a public hearing of the case on May 17, 1962, and sent a legal representative to Bloomington to subpoena witnesses. The purpose of the hearing was two-fold - to establish whether or not the skating

¹⁶ "Charge Company Will Not Sell to Negroes," *The Indianapolis Recorder*, 6 January 1962.

rink was a private club, and to determine whether Jones had violated Indiana's civil rights law.¹⁷

The hearing was conducted on May 17, 1962 in Bloomington's courthouse. Witnesses to the ordeal included top I.U. officials and other students, who testified before both the Commission and Indiana's deputy attorney general Harriette Bailey Conn on the good character of Streets and her party, adding support and credibility to her charges against Jones. Jones, who had been notified of the hearing, did not attend or send a representative. The Commission, according to the 1961 Fair Employment Practices Act, was allowed only to publicize the hearing and had no authority to punish the offender. At the outcome of the hearing the Commission ruled that Jones had violated Indiana's civil rights law, yet the ruling only brought out the fact that the Commission had no real power to enforce its decisions at the time.¹⁸

Even though the Commission's authority was less than it preferred, sometimes just a phone call by the director was enough to correct a complaint. In July 1962 the Commission received a complaint from a black man charging racial discrimination against the hospital where his wife was having surgery. According to the man, his wife was placed in a single un-air-conditioned room, even though her doctor had applied for an air-conditioned room. Air-conditioned rooms at that particular hospital had two beds, and the man's wife had been passed over fifteen times for a room transfer. The hospital spokesman said they feared that if they moved the black woman to an air-conditioned room the other bed might go unused. After receiving the

¹⁷ Indiana Civil Rights Commission News Release, 14 May 1962, Indiana Civil Rights Commission Records, A3514 Box 15 of 18, Indiana State Archives, Indianapolis; "Public Hearing Set in I.U. Beauty Queen Contest: State To Probe 'Pulling of Gun' By Rink Owner," *The Indianapolis Recorder*, 12 May 1962.

¹⁸ "Top I.U. Leaders Testify At Rights Comm. Hearing." *The Indianapolis Recorder*, 26 May 1962.

complaint, Hatcher called the hospital, and the black woman was immediately moved to an air-conditioned room.¹⁹

The power of a single complaint in June 1962 caused a series of important chain reactions, which included detailed correspondence between the state's highest officials, media attention, the potential for mass demonstrations, and a start by the Civil Rights Commission to persuade the Legislature to change the law. The complaint was in the form of a single-page letter written to the Governor by a black doctor who worked for the Eli Lilly Company. Dr. John Wing complained that the Riverside Amusement Park in Indianapolis was engaging in discriminatory practices by posting signs that read, "We solicit white patronage only." Wing, a native of California, also told of two other incidents in Indiana where he was refused service, one in a theatre, the other in a restaurant.²⁰

Welsh turned the matter over to Hatcher to investigate. Hatcher responded with a letter to Wing on June 22:

Your letter of June 17, 1962 to the Governor has been referred to us for immediate attention. The signs at Riverside Park soliciting white patronage only have been a source of distress to many of us. Your letter was the first request we have had to do something about it.

I talked with the owner, John Coleman, today and made tentative arrangements for another conference next week including his brother and partner, attorney Robert Coleman. John Coleman had a rather unusual explanation. He stated that they abide by the Public Accommodations Law completely providing equal service to all, regardless of race, in that the signs are merely an exercise of the American right of free speech. He stated further that so many persons are challenging them in trying to take this right away from them that they are considering appealing to the Indiana Civil

¹⁹ "Our Fair City: He Got Action," *The Indianapolis Times*, 22 July 1962.

²⁰ Dr. John E. Wing Jr. to Governor Matthew E. Welsh, Indiana State Archives, Governor Welsh Files - Civil Rights Commission, A 6742, 17 June 1962.

Liberties Union to defend them. I hope we can get them to see next week that their signs are an indirect insult to an increasing number of their patrons in that a person goes to an amusement park to have fun and not to be told that he is unwelcome and less desirable to other customers.

Our department is getting a sizeable number of complaints on discrimination by various public accommodations throughout the state. Although we have had fair success in conciliating the complaints regarding employment, we have had poor results in persuading owners of public accommodations to comply with the law. That is one of the reasons that we have made a state-wide public accommodations campaign followed by a state-wide survey in the fall one of our major projects for the year. This led our Commission yesterday to agree unanimously on asking the next Legislature for changes in the law which would make it workable and more effective. This request of ours was reported on the news last night and in the daily papers today. We share your concern with these outdated and unjust practices.²¹

According to a five-page detailed memorandum written by Hatcher, the Riverside Park case spanned most of the summer and consumed a great deal of his and the Commission's time. Hatcher learned through a series of conferences he held with the park owners, John and Robert Coleman, the reasons behind the Coleman's blatant dislike of blacks:

One statement by the Coleman's appeared particularly significant to me; namely, that a race riot had occurred at Riverside Park during the first World War. As young men working there at the time for their father who owned the park, this evidently was a traumatic experience, the effects of which have continued with them until the present. They have had signs posted against Negro patronage for some 40 years.... They have a strong feeling that races should be kept separate and have spoken favorably of the policy followed in South Africa. John Coleman, who has been president of the National Association of Amusement Parks, cites examples from other cities to support his view that as soon as a significant number of Negroes start to patronize an amusement park, white patrons stop coming and the business plunges into the red.... With their limited experience with colored persons and their strong feelings that they

²¹ Harold Hatcher to Dr. John E. Wing Jr., Indiana State Archives, Governor Welsh Files - Civil Rights Commission, A 6742, 22 June 1962.

are dirty, untrained, boisterous, and aggressive, one understands their reluctance to not open the park to them. They are convinced also that the removal of signs would result in large numbers of such undesirable customers coming immediately and scaring away the well-dressed and orderly teenagers and families that now enjoy the park every evening.²²

By July 27 talks between the Colemans and Hatcher stopped because of an incident at the park involving the NAACP Youth Council. The Council had been picketing the park over the summer with little results. On July 27 the Youth Council began a stand-in. During the stand-in John Coleman allegedly struck a white college student which further aggravated the situation. Robert Gordon, director of the Anti-Defamation League, offered his service to help mediate between the NAACP and the Colemans. Gordon's negotiations were of no avail. Neither side was willing to compromise.

On August 12 *The Indianapolis Times* announced that the NAACP had scheduled a mass protest at Riverside Amusement Park for 5:00 that evening. Hatcher met with Coleman at the park prior to the protest and convinced Coleman to let him remove the signs before the situation deteriorated any further. Coleman agreed with two stipulations: Hatcher would assume full responsibility for removing the signs, and the press would not cover the removal of the signs. The Colemans warned that if the press portrayed them in a bad light, then the signs would be posted again. Hatcher could not guarantee the second stipulation, but said he would do what he could to prevent the media from publicizing the sign removal, and agreed to assume full responsibility.

²² "Memorandum from Harlod Hatcher to the Commissioners and staff regarding the Riverside Amusement Park," Indiana State Archives, Governor Welsh Files - Civil Rights 2, A 6798, 21 August 1962.

After personally removing the signs, Hatcher took them to the NAACP protest gathering sight and presented them to the crowd leaders to prevent the protest from taking place. Upon receiving the signs, the NAACP leaders canceled the protest. Hatcher spent the few days following the averted protest trying to keep the media from printing or broadcasting the story. Most of the local media were cooperative with Hatcher's requests. A few days after the signs were removed, *The Indianapolis Times* ran a small story about Riverside Park, which the Colemans found acceptable. The following day WFBM-TV ran a short news report about the park. Both the Colemans and Hatcher were anxious to see how *The Indianapolis Recorder* would treat the story since the other press had begun running the story. *The Recorder* ran a small story that began with, "The Battle is won!" The Colemans were upset by *The Recorder's* story and issued a statement saying the signs would go back up immediately. The signs had only been down for six days. Hatcher tried to convince the Colemans not to repost the signs, but his words fell on deaf ears.

On August 18 Hatcher went to the park and was confronted at the entrance by a sign that read "Riversides Policy Has Not Changed." Most of the signs throughout the park had also been reinstalled. Hatcher stated that the Colemans had told him that they had decided not to operate the park after the close of the season. According to the Colemans, the park's future was undecided; either it would be leased or used for other purposes.²³

The incident at Riverside Park was important because it accentuated the lack of enforcement power held by the Commission. Hatcher represented a means to publicity only with no real legal backing to support himself or the Commission. As Hatcher stated in his earlier letter to Wing, the Commission

²³ Ibid.

realized they had to work on persuading the upcoming Legislature to give them the power to do their job effectively. If the Commission chose not to pursue a change in legislation, then it would have had to rely on the media to accomplish its agenda.

Hatcher did, however, use the media in the summer and fall of 1962 to help the Commission in its effort to persuade the Legislature to expand the Commission's authority. Hatcher sighted discrimination in public accommodations as Indiana's major civil rights problem in *The Indianapolis Recorder* on September 15: "Declaring the present law 'hardly worth the time spent enacting it,' Hatcher said the next legislature will be requested to give the commission more power in dealing with violators of the Public Accommodations Act."²⁴

The Commission did not wait for the 1963 Legislature to begin to propose ideas on changes to the 1961 Fair Employment Practices Act. In September 1962 the Commission listed five amendments to the 1961 Act that it hoped would be included in the 1963 legislation. The first amendment proposed, Sec. 2(a), expanded discrimination violations to include age and sex in the areas of education, employment and service discrimination. The second amendment, Sec. 3(i), redefined and expanded the term "public accommodation" to include all public places. The third amendment, Sec. 6(a), sought power for the Commission to expand its branch offices throughout the state. The fourth amendment, Sec. 6(j), provided the Commission the right to hold hearings on matters of criminal prosecution if the prosecutor agreed, or if the prosecutor failed to address a complaint of such nature within thirty days. The fifth amendment, Sec. 6(k), was the most crucial. This amendment

²⁴ "Ind. Rights Law Not Worth Time It Took To Write It: Hatcher," *The Indianapolis Recorder*, 15 September 1962.

gave the Commission the power to issue cease and desist orders to stop unlawful discrimination.²⁵ This particular amendment was the cause of great controversy during the 1961 legislative session. The time was right by the fall of 1962, however, to reintroduce this important amendment. By December, after a few months of consultation with both political parties, the Commission decided to drop all but the last amendment from consideration by the Legislature.²⁶ After all, without the power to issue cease and desist orders, the Commission would have continued to be only an investigative power, seen publicly as a symbolic agency of the state incapable of seeing its investigations through to resolutions.

Governor Welsh gave his support to the Commission's seeking more power from the Legislature during the first annual Governor's Civil Rights Conference held in September. Almost 400 Hoosiers, representing 33 Indiana communities, attended the conference.²⁷ In an opening speech, Welsh said he would ask the 1963 General Assembly for increased authority for the Civil Rights Commission. He also spoke about the problem of the increased rate of school dropouts among black youths in Indiana, and sighted the tragic incidents that had occurred over the summer of 1962 in the South as a reason to continue pushing for better and more civil rights legislation in Indiana.²⁸

Hatcher also addressed the conference expounding on the negative statistics that had plagued the black communities in Indiana.

²⁵ "Amendments to the Fair Employment Practices Act Proposed by the Indiana Civil Rights Commission, September 1962," Indiana Civil Rights Commission Files - 1962, Indiana State Archives, Indianapolis.

²⁶ "Civil Rights Commission To Seek More Power In Discrimination," *The Indianapolis Star*, 13 December 1962.

²⁷ *Civil Rights Bulletin*, Indiana Civil Rights Commission Records, A3514, Box 15 of 18, Indiana State Archives, Indianapolis, March 1963.

²⁸ "Welsh To Seek New Powers For Civil Rights Group," *The Indianapolis Star*, 23 September 1962; "Dropouts Hinder Negroes: Welsh," *The Indianapolis News*, 23 September 1962.

He said that Indiana Negroes, 6 per cent of the population, provide 8 per cent of mental hospital population, 10 per cent of the lowest income bracket, 11 per cent of the unemployed, 13 per cent of the people living in dilapidated housing, 15 per cent of the group of the lowest educational level, 26 per cent of the prison population and 41 per cent of the illegitimate births.²⁹

The theme of the conference centered around the Emancipation Proclamation's centennial. Hatcher referred to Indiana as a "border-state" in his remarks, "Indiana is running a few years ahead of Kentucky and West Virginia and a few years behind Ohio, Illinois and Michigan."³⁰

After Welsh and Hatcher delivered their remarks, the conference broke down into seven groups to discuss problems and come up with helpful suggestions to give to the Commission. The discussion groups included secondary education, public accommodations, employers, labor, mass news media, housing, and higher education.³¹ The conference was the first publicly united effort by Welsh and the Commission to campaign for enhanced legislation for the Commission.

The year 1962 began with turmoil within the Commission's organization. The year, however, provided time for the Commission to prove its worth to the community and the Legislature. It was also a time for the Commission to gather strength to fight in the 1963 legislative session for its much needed expanded powers. The year 1963 would be a test for the Indiana Legislature: Were Legislators serious about Civil Rights in Indiana? Would they be willing to expand the powers of the Indiana Civil Rights

²⁹ "Welsh To Seek New Powers For Civil Rights Group," *The Indianapolis Star*, 23 September 1962.

³⁰ "Indiana Still A 'Border-State' 100 Years After Slaves Freed," *The Indianapolis Times*, 23 September 1962.

³¹ *Civil Rights Bulletin*, March 1963.

Commission? The Commission's future depended on the Legislature; and by 1962 some Hoosiers had begun to use and depend on the Indiana Civil Rights Commission.

1963 - The Commission Gains Enforcement Powers

A new year often allows a time to reflect upon one's state of being. In 1963 the status of the black Hoosier was vividly described by Andrew Ramsey, a local black activist, high school teacher, and newspaper columnist, in his editorial column in *The Indianapolis Recorder*.

January 1963 finds the Negroes of Indiana in a bad way. One hundred years after the signing of the Emancipation Proclamation, the Negroes of Indiana are only partially emancipated. They have the right to vote, but to date they have not used it with much force and wisdom.

They have the right to send their children to the public schools which are legally desegregated although de facto segregation is the order of the day.

All places of public accommodation are forbidden by law from discriminating against Negroes but it is risky and even dangerous for Negroes to seek service in many such places within the sight of the Statehouse.

Government, business and industry employ Negroes in jobs formerly denied them but it is as true in 1963 as it was in 1863 that the Negro is the last hired and the first fired and the number of Negroes among the unemployed far exceeds their percentage in the population...

January 1963 finds us in a terrible way.¹

¹ Andrew W. Ramsey, "As The Year Finds Us," *The Indianapolis Recorder*, 12 January 1963.

A report by the Indiana Civil Rights Commission released in January, 1963 also gave a detailed assessment of the status of black Hoosiers. Entitled *Toward Equal Opportunity*, the report confirmed the inequalities that black Hoosiers continued to endure. Between 1950 and 1960 Indiana's black population increased by 54% and instate rural people had migrated into the largest cities leaving six Indiana counties with not a single black resident. The uneven distribution of the black population throughout Indiana tended to increase racial tensions in the urban centers, and created a higher intolerance through less contact in the rural areas. In Indiana the unemployment rate of blacks was twice that of whites which the report described as "social dynamite." The disparity in income between blacks and whites also left most blacks at a level of poverty. In addition, Indiana's housing market in 1963 was open only to whites. Blacks continued to pay higher rental fees for smaller, older, often unsuitable apartments while whites paid practically the same amounts for newer homes. The report also indicated that the educational level of blacks remained behind that of whites. According to the report, the lower education level of blacks was a result of two factors - lower incomes and migration of blacks from the South. No profound conclusions were drawn in the report, yet the report validated the request for expanded powers that the Commission was certain to ask for from the 1963 Indiana Legislature.²

Early in January the NAACP sent a letter to Governor Welsh requesting a state-wide conference on equal opportunities in housing. Less than a week later, on January 7, Harold Hatcher sent a memorandum to Welsh asking him to include the issue of housing discrimination in his 1963 legislative agenda. In

² Indiana Civil rights Commission, *Toward Equal Opportunity: Indiana Civil Rights Commission 1963 Report*, Indiana State Archives, Indiana Civil Rights Commission Records, R 5485, Box 3 of 3, 1963, p. 3-7.

addition, Hatcher requested that a state conference be held on the housing issue sometime within the year.³ The time had come for Hoosiers to stop ignoring and begin facing the widespread housing discrimination that was rampant across Indiana; the issue, however, lay publicly dormant for a few months.

In January, 1963 the Commission's survey on public accommodations in Indiana, designed to test the compliance with the 1961 state civil rights law, was completed. The results were not surprising because the Commission had been releasing segments of the survey to the media as they became available. The conclusion of the survey stated that 84% of the businesses surveyed in 16 Indiana cities followed policies that were non-discriminatory. In addition, out of 706 managers interviewed, only 8% reported problems with providing equal accommodations to blacks. In Indianapolis, skating rinks and barber shops were the worst offenders of the 1961 law, while hospitals, parks and swimming pools were more likely to serve blacks on an equal basis.⁴ The final survey results were released in time for the Commission to continue gathering support with the state legislators in order to persuade them to increase the Commission's authority.

The 93rd session of the Indiana General Assembly opened on January 8, 1963. One of the first bills proposed in the Senate was one which would allow the Indiana Civil Rights Commission to obtain cease and desist orders against people found guilty of discrimination. Senate Bill 131 was introduced and sponsored in the Senate on January 16 by Robert Brokenburr, a Republican from

³ Letter from NAACP to Governor Matthew E. Welsh, Indiana State Archives, Governor Welsh Files - Indiana Civil Rights Commission, A 6749, 2 January 1963; Memorandum from Harold Hatcher to Governor Matthew E. Welsh, Indiana State Archives, Governor Welsh Files - Indiana Civil Rights Commission, A 6749, 7 January 1963.

⁴ Indiana Civil Rights Commission, 1964 *Indiana Civil Rights Report*, Indiana State Archives, Indiana Civil Rights Commission Records, R 5485, Box 3 of 3, 1964, p.3; "Service Denied To Negroes By Cafes, Theatres," *The Indianapolis Recorder*, 2 February 1963.

Indianapolis, and Marshall Kizer, a Democrat from Plymouth.⁵ Once the bills were unveiled to the public, John Preston Ward, an attorney representing the NAACP Indianapolis branch, criticized the legislation as being too weak. Ward and the NAACP were concerned that the legislation did not include any mention of housing, and felt that the Commission was selling itself short for not asking for the same powers that most of the other Indiana administrative agencies already had. Ward disagreed with a proposal that would keep the Commission from investigating a discrimination case before the local prosecutor had either acted on it, or refused to within 10 days. Finally Ward was critical of the bill's language, which he felt might limit the Commission's scope of investigations to areas concerning employment only.⁶

The Indiana Senate passed the civil rights legislation 45 to 2 the last week of January and sent it on to the House. Senate Bill 131 included provisions to formally change the name of the Commission from the Fair Employment Practices Commission to the Civil Rights Commission, and empower the Commission to issue cease and desist orders.⁷

In the House of Representatives, it had been anticipated that the civil rights legislation would pass unchanged. The Commission's research sociologist, Dr. Donald Royer, predicted the legislation would easily pass the House because of what he described as a change in the thinking of Indiana's industrial leaders. In order to get both large defense contracts and national accounts into Indiana, according to Royer, the state would have to change and

⁵ *Indiana Senate Journal* (1963), 69.

⁶ "Legislature Gets Bill To Empower Rights Comm.," *The Indianapolis Recorder*, 19 January 1963; "Civil Rights Bill Called Weak: NAACP Leader Hits Bill Backed By Commission," *The Indianapolis Recorder*, 12 January 1963.

⁷ *Indiana Senate Journal* (1963), 137; "Senate 'Improves' Rights Law: NAACP Asks For Amendments In House," *The Indianapolis Recorder*, 2 February 1963.

expand its civil rights laws to accommodate the federal government and other states.⁸

As time went by, expectation of the proposed civil rights bill's passage in the House began to deteriorate because the House Judiciary "A" Committee continued to stall the legislation. *The Indianapolis Recorder* reported a possibility that up to 20 Republican Representatives would vote against the bill.

Unlike the last legislature when over 200 joined in the march for the creation of an Indiana Civil Rights Commission, it seems that not only is the bill 'bogged' in the committee, but usually militant, aggressive leaders seem to be 'bogged' into doing little action-wise to express their feeling of the bill's importance.⁹

After being debated in the House Judiciary "A" Committee for 27 days, House Bill 1074 was sent out to the full House for a second and third reading. The civil rights bill passed the House in an 80 to 7 vote, and was sent to the Governor's office on March 4 for his signature.¹⁰ Upon hearing the results of the final House vote, Hatcher issued a statement:

A careful comparison with civil rights laws of other states shows that Indiana now is in the forefront of all midwestern states by having given its state commission enforcement powers in three major areas of employment, accommodations, and public and private education.¹¹

⁸ "Predicts Civil Rights 'Teeth' Because Employers Converted," *The Indianapolis Recorder*, 16 February 1963.

⁹ "Group Hopeful For Rights Legislation: Hearing Leads To Hope For Early House Action," *The Indianapolis Recorder*, 23 February 1963.

¹⁰ *Indiana House Journal* (1963), 849, 878, 1036.

¹¹ "Long Awaited Rights Bill Finally Voted Out Of House Committee," *The Indianapolis Recorder*, 2 March 1963; "Governor Set To Sign Civil Rights Bill: Provides Power To Issue Cease And Desist Orders," *The Indianapolis Recorder*, 9 March 1963.

The issue of discrimination in housing resurfaced in May as Governor Welsh announced his intention to hold a conference over the summer to deal specifically with the problem. In his announcement made at the Butler-Tarkington Neighborhood Association's annual meeting, Welsh said, "Until we know precisely the scope and nature of the problem throughout the state, we cannot hope intelligently to solve or at least ameliorate its more destructive aspects." Welsh also commended the Butler-Tarkington Association for privately and voluntarily instituting the practices of unbiased housing.¹⁵ Welsh's announcement marked the official public beginning of what became a major civil rights issue in Indiana throughout the 1960s and 1970s.

In his continued efforts to be a civil rights leader, Welsh made it clear in June that the state of Indiana would no longer tolerate racial discrimination. Welsh issued Executive Order 4-63 which made it mandatory to provide equal opportunity for all people in places of public accommodation licensed by any state agency. Further, Welsh directed all state agencies to restructure and revise their rules and regulations to eliminate all discriminatory practices. In a move to further strengthen and empower the Civil Rights Commission, Welsh included the following statement in his Executive Order:

Each executive department and agency subject to this order is directed to submit to the Civil Rights Commission of the State within sixty days from the date of this order [July 1, 1963], a report outlining all current programs administered by it which are affected by this order.... and it is directed to cooperate with the Commission, to furnish it, in accordance with law, such information and assistance as it may request in the performance of its functions, and to report to it at such intervals as the Commission may require.¹⁶

¹⁵ "State To Study Housing Bias, Welsh Announces," *The Indianapolis Recorder*, 18 May 1963.

¹⁶ Executive Order 4-63, Governor Matthew E. Welsh Papers, Indiana State Archives, Governor Welsh Files - Civil Rights - Welsh Release, A 6781, 10 June 1963.

his office to discuss how to implement the enforcement of his policy. Harris hesitated to revoke the Melody Inn's liquor license for racial discrimination because he felt there was no legal backing. Welsh, in turn, reminded Harris and the other department heads that under the rules of each agency each licensee must maintain "a high and fine reputation," and if a licensee violates civil rights laws, then they would not be maintaining that "high and fine reputation." After considerable negotiations, Welsh admitted that the legal revocation of liquor licenses might not have been the answer, but it was his intention for the state agencies to assert pressure on the licensees not to discriminate.²⁴

At the same meeting Welsh announced a directive to all executive departments to appoint equal opportunity officers within their departments to deal with questions of equal rights. Welsh's decision to implement equal opportunity officers was made as a result of a memorandum sent to him from Harold Hatcher. In the memo, Hatcher asked Welsh for help in implementing his recent Executive Order 4-63, which directed state agencies to provide equal opportunities within their respective departments. Hatcher's idea of appointing one person in each department to serve as an equal opportunity officer had advantages that he listed in his memo.

1. It would fix responsibility on a specific employee for implementing administration policy.
2. It would provide an orderly procedure for handling within the department itself a good many of the changes of discrimination both in employment within the state government and public accommodations supervised by the department.
3. It would provide a link between each department and the Civil Rights Commission for handling routine day-to-day matters so

²⁴ "Public Places Must Serve All, Says Welsh," *The Indianapolis Times*, 13 August 1963; "Welsh Explains Firmer Stand on Rights Order To Dept. Heads," *The Indianapolis Recorder*, 17 August 1963.

that busy department heads would not be involved except on the more serious matters.

4. It would relieve the small Civil Rights staff from a considerable amount of travel and routine investigations and enable it to do a better job with public hearings, occasional conferences, preparing educational materials, etc..²⁵

Welsh quickly agreed with the advantages Hatcher presented and directed implementation almost immediately after receiving Hatcher's memo.

Over the summer of 1963, a case of blatant racism surfaced in two incidents in Indianapolis. During the second week of August two cross burnings, reminiscent of the earlier days of the Ku Klux Klan [KKK], were reported. The first cross burning occurred on the front lawn of the governor's mansion around 4:00 in the morning on August 5, the day following the NAACP march. The city police extinguished the fire and the matter was turned over to the state police for investigation. The incident at the governor's mansion was kept quiet until the second cross burning took place on the morning of August 8. The second cross burning occurred in front of an Indianapolis northside home that had recently been inhabited by a black family in an all-white neighborhood. After the fire was extinguished the police found the letters "KKK" written on the back of the burnt cross.²⁶ Such incidents were not the norm in Indianapolis during 1963; however, it indicated that a few extremists were not pleased with the rising pro-civil rights sentiment and talk of open housing.

Earlier in the year Welsh had promised to hold a conference on the issue of housing discrimination, and in September he followed through with this.

²⁵ Memorandum to Governor Matthew E. Welsh from Harlod Hatcher, Indiana State Archives, Governor Welsh Files - Civil Rights 4, A 6798, 13 August 1963.

²⁶ "Won't Move,' Says Family Recently Moved Into All-White Neighborhood," *The Indianapolis Recorder*, 10 August 1963.

Organized by the Civil Rights Commission, the conference was attended by 175 real estate brokers, lenders, home builders and civil rights workers from 18 Indiana communities. In his opening remarks to the conference, Welsh warned the housing officials quickly to come up with solutions to the problems of housing discrimination or face the unwanted consequences.

...There does exist a problem in housing discrimination. There is no doubt in the mind of any of us that in buying a home or renting a place in which to live, one man's dollar is not as good as another's. There is however a significant difference of opinion in just how widespread this discrimination is and whether it is industry-wide or individually practiced.

I suggest to you that this method of examining a problem together and working cooperatively and voluntarily to remove it is vastly superior to the establishment of rigid and strict laws which would force this upon you. Yet in my judgement, the only alternative to voluntary action on the part of real estate brokers and agents, builders, and lending institutions to remove discrimination is new laws, new enforcement powers, and additional governmental interference in your business. The cardinal fact remains: If as private businesses you fail to remove the intolerable and un-American racial barriers to some citizens in obtaining the housing they are able to pay for, then you will have laid the groundwork for laws that will force what should have been voluntary, because it is right.²⁷

Welsh's speech was preceded by a panel discussion made up of real estate brokers, four of whom were black. One of the black real estate members, William Ray, said that in the prior week in Indianapolis out of the 4,500 homes offered for sale only 100 were available to blacks. In rental housing, the situation was worse because there were no blacks residing in any apartment complex that was also occupied by whites. As the day unfolded, the conference members were asked to take a poll to determine the next steps in solving the

²⁷ Matthew E. Welsh, Speech delivered at the First Governor's Conference on Discrimination in Housing at the State Office Building, Indianapolis, Indiana State Archives, Governor Welsh Files - Governor's Conference on Discrimination in Housing, A 6781, 10 September 1963.

housing discrimination problem. The results favored opening the housing industries' trade organizations to all qualified people regardless of race; and also holding meetings around the state between local community leaders and local housing industry members. Later in the afternoon, before the conference was opened for group discussions, the four black real estate brokers took turns talking about the deplorable conditions that existed in the black ghettos in Indiana's major cities. They said that blacks wanted to leave the ghettos, but until the rules of Indiana's housing industries were changed, the blacks would have no choice but to remain trapped in the ghettos.²⁸ The conference members decided that voluntary action by the housing industry to end the problems of discrimination in housing appeared to be a workable solution.

In addition to the problem of discrimination in Indiana's housing, the Civil Rights Commission received complaints for some time concerning a long-standing problem of segregation in beauty parlors across Indiana. When Welsh issued Executive Order 4-63, which declared all businesses licensed by the state to stop discrimination, the beauty salon industry complained that the Order should not include them. Salon owners argued that training was different for black and white customers because of the differences in hair textures, styles, and products used to style the hair.

In August an agreement was made between the State Beauty Board and the Civil Rights Commission not to require beauty operators to serve black patrons if they had not been properly trained. However, by September, after much negotiation both the Board and the Commission came to another agreement. The new agreement proposed that white beauty schools begin teaching methods of handling both white and black hair techniques. Hatcher

²⁸ "Negro Housing Curbs Attacked At Parley," *The Indianapolis News*, 10 September 1963; "Racial Bars In Housing Studied," *The Indianapolis Times*, 11 September 1963.

argued at a meeting held on September 11 among beauty school owners, the State Beauty Board and the Commission, that black hair dressers were trained better, were more versatile, and were more apt to find a job in the future because they were trained to service both blacks and whites. The plan for integrating the all-white beauty salons and beauty schools was not well received by the beauty school owners. The meeting provided no clear answers except that beauty licenses could be in jeopardy in the future if integration were not implemented.²⁹

In October 1963, the Civil Rights Commission released its civil rights bulletin which included the topic of equal service in beauty salons. According to the bulletin, a three-part agreement was finally made between the Commission and the State Beauty Board:

1. Licensed beauticians will be advised to serve on the basis of the patron's hair texture rather than on race, recognizing that 10 - 20% of Negro women have the same type hair as most white women.

2. In the training and licensing of future beauticians, efforts will be made to give uniform instruction and licensing examinations for both white and Negro students in order that they will be able to dress both straight and curly hair.

3. New hair dressing products coming on the market may enable an operator to dress both curly and straight hair without additional schooling or equipment. It appears the beauty shops, like other public accommodations, will be able to serve all Hoosiers equally without undue expense or inconvenience to anyone.³⁰

The October bulletin also featured Governor Welsh's Executive Order 4-63, and mentioned that Indiana was the leading state in the Midwest to have

²⁹ "Beauticians Settle Issue," *The Indianapolis News*, 15 August 1963; "White Beauty Schools Balk At Integration Steps," *The Indianapolis Times*, 12 September 1963; Dick Franzen, "Beauty School Operators Get In Tangle Over Hair," *The Indianapolis News*, 12 September 1963.

³⁰ Indiana Civil Rights Commission, *Civil Rights Bulletin*, Indiana State Archives, Indiana Civil Rights Commission Records, A 3514, Box 15 of 18, October 1963, p. 9.

such a widespread anti-discrimination order. The report stated that Welsh signed the order on June 10, the same day the Governor of Minnesota issued an order banning discrimination in government contracts. On June 26, the Governor of Kentucky issued an order on public accommodations, followed on July 10 by the Governor of Illinois establishing a Code of Fair Employment Practices. Finally on July 24 California's Governor also issued a Code of Fair Employment Practices.³¹ Welsh's lead in setting a standard for other states to follow was summed up in his own words: "The order must have met the need of the hour since it was followed by very similar orders within 60 days by the Governors of Illinois, Kentucky, and California, and perhaps others."³²

Although Welsh's Executive Order was a triumph for the cause of civil rights in Indiana, the printing in the civil rights bulletin of the few jobs acquired by blacks in Indiana over the year 1963 was less than encouraging. The bulletin reported that in Bloomington, Indiana, "three stores hired Negroes for non-custodial work, Indiana University employed a Negro in a semi-professional capacity in the Admission's Office and the first Negro teacher was hired in the city schools." In Elkhart, Indiana the story was the same. "A major manufacturer recently hired 14 Negroes - the first for production work, two banks hired Negro bookkeepers and the High School employed its first Negro teacher." In Indianapolis the report indicated that the three major newspapers had agreed to drop discriminatory housing advertisements, and were planning to do the same for employment advertising. The bulletin's response to these facts brought the state of progress for blacks in Indiana into a clearer perspective.

³¹ *Ibid.*, p. 7.

³² Letter from Governor Matthew E. Welsh to Reverend Joseph Gomez, Indiana State Archives, Governor Welsh Files - Indiana Civil Rights Commission, A 6749, 3 October 1963.

It is encouraging to read these reports of progress - progress that has occurred without the unfavorable consequences that were feared by many persons. On the other hand it is sobering and somewhat distressing that the hiring of a qualified Negro for clerical or production work should be significant enough to report and rejoice about in 1963, one hundred years after Emancipation. Certainly this is not the time to relax or feel the task is completed.³³

The Commission in December 1963, after reviewing some alarming statistics concerning the status of black college students in Indiana, decided to begin a new survey to determine the causes for the low percentage of full-time black college students. Out of the 31 Indiana colleges and universities, the percentage of blacks reported enrolled was only 3%. In addition, 60% of the total 3% black enrollment were part-time students, compared to 16% of Indiana's white college students who were part-time. The result, according to the statistics, was putting a very low percentage of blacks in college graduating classes. Hatcher indicated that one cause for the lower turnout of blacks enrolled in college was the income factor. College costs were higher than high school and many blacks, whose income on the whole was less compared to white's income, could not afford to go to college full-time. The Commission's intent to study the issue in-depth was announced on December 27, 1963.³⁴

The Indiana Civil Rights Commission began 1963 with the announcement of a completed survey on accommodations which presented Indiana as a state not entirely free from the burdens of discrimination. As the year progressed, the Commission was empowered by the State Legislature to use cease and desist orders. The Commission successfully adjusted 65 complaints throughout the year, compared to 27 in 1962. If each Indiana resident had to pay

³³ *Civil Rights Bulletin*, October 1963, p. 1,2,3,5.

³⁴ Indiana Civil Rights Commission News Release, Indiana State Archives, Indiana Civil Rights Commission Records, A 3514, Box 15 of 18, 27 December 1963.

for the services that the Civil Rights Commission provided, the cost would have been 1 cent each for the Commission's program which cost \$54,000 in 1963.³⁵ Toward the year's end the Commission, along with Governor Welsh, was successful in bringing the important issue of housing discrimination to the attention of most Indiana citizens and local government leaders. The launching of a new survey to explain the lack of black enrollment in Indiana's colleges was a sign the Commission planned to continue on its course of trying to provide Hoosiers with answers and solutions to the problems associated with racial discrimination.

³⁵ Indiana Civil Rights Commission, 1964 *Indiana Civil Rights Report*, Indiana State Archives, Indiana Civil Rights Commission Records, A 3514, Box 15 of 18, 1964, p. 3.

1964 - The Commission Turns to Education And Housing

By 1964 the civil rights movement had gathered momentum on both the national and state levels. The Indiana Civil Rights Commission no longer had to spend its time trying to convince lawmakers that it needed additional powers to carry out its mission. The Commission now had the power and support of the state government to seek its goals. This is not to say that the Commission encountered no obstacles or opposition from state leaders as to how it should handle certain problems. Through the work of the Commission, however, existing civil rights problems in Indiana were addressed and attempts were made to right the wrongs of discriminatory acts and policies.

Awareness by Hoosiers of Indiana's civil rights accomplishments faded somewhat in 1964 as the national civil rights focus grew. The battles for civil rights were being fought in places like Alabama, Mississippi, and other southern states, which took attention away from Indiana. Critics of the progress of Indiana's civil rights program were quick to voice their opinion:

Those who have been concerned about the progress of the civil rights revolution which is going on in the United States have regarded Indiana as a sort of no-man's land. There has been so much inaction in this area that it seems to have been planned.

The fact that there is only one Negro state trooper in Indiana is a cause for righteous indignation rather than for rejoicing and the few

Negroes who hold upper echelon jobs with the state and local governments is indicative of the politicians' attitudes toward the Negro voter.

The record in the state as far as public accommodations are concerned is spotty and many prosecutors and law enforcement authorities drag their feet when it comes to bringing violators of the civil rights statute to the bar of justice.¹

Despite the outspoken criticism toward Indiana's civil rights record, the Commission announced at its monthly meeting in February the principle areas of concern that it would focus on during the year. Of prime concern were the problems of employment, education and housing. According to Harold Hatcher, education and employment went hand in hand when it came to trying to solve either of the problems. Without education, a job was virtually impossible. What Hatcher hoped to see in 1964 was an increase in educational programs in lower income neighborhoods to prepare the unskilled quickly for jobs. Hatcher also wanted to speed up the process of integrating schools and teaching staffs. In the area of housing, Hatcher wanted business and community leaders to continue working together to come up with an open housing market; otherwise he warned that legislation would be the alternative. The final concern was trying to convince the state legislature to change the law that prohibited two people of different races from obtaining a marriage license in Indiana. As Hatcher noted, Indiana was the only Northern state in 1964 that continued to prohibit interracial marriage. He concluded, "All these issues - these problems - are interlocking. Equal opportunity in one field never will be achieved as long as it is denied in another."²

¹ Andrew W. Ramsey, "Civil Rights Blueprint For 1964," *The Indianapolis Recorder*, 4 January 1964.

² Harold Hatcher, Press release, Indiana State Archives, Governor Welsh Files - Indiana Civil Rights Releases, A 6798, 19 February 1964.

At the Commission's February meeting Hatcher proposed an idea for a teacher exchange program. The premise of the proposal was to have a black and a white teacher from different schools exchange classrooms for one or more semesters. The exchange, according to Hatcher, would allow students from both races to come into contact with a responsible figure of the opposite race. Commission members agreed with the proposal and sent notices to school superintendents as "a recommendation for a constructive approach to the problem of de facto segregation."³

Upon learning of Hatcher's teacher exchange idea, Governor Welsh appealed to the Indiana Commission on General Education to study and find a way to end de facto segregation. Welsh made a surprise visit to the Education Commission's meeting to investigate firsthand the situation of segregation in Indiana's schools. Welsh asked the Education Commission to encourage local school officials to see that the schools were representative of their respective communities along racial lines. The Education Commission agreed with Welsh's suggestion and issued a resolution reemphasizing its stand on civil rights.

The Commission on General Education, believing that one of the purposes of education in a democracy is to teach all races and groups to live together [in] understanding, urges school administrations to take such action as may be feasible under local conditions to eliminate any discrimination in the hiring or assigning of teachers or personnel, or the assignment of students to schools.⁴

Hatcher's teacher exchange program was well received by the Education Commission. However, one school superintendent voiced his concern that there

³ Indiana Civil Rights Commission, Commission meeting minutes, Indiana State Archives, Governor Welsh Files - Agendas 1963-1964, A6790, Box 2 of 2, 19 February 1964.

⁴ "Welsh Asks End of 'Defacto' School Bias: Governor's Plea Made To Indiana Education Comm.," *The Indianapolis Recorder*, 22 February 1964.

would be problems to be worked out with the program; the major foreseeable problem was the unwillingness of white teachers to transfer into schools with a large percentage of black students. Otherwise the superintendent thought Hatcher's theory of an exchange program was commendable.⁵

In March 1964, while the Indiana Civil Rights Commission embarked upon its agenda, Congress debated federal civil rights legislation. Hoosiers were anxious to compare the federal legislation with the existing state laws. The proposed federal civil rights legislation in the areas of education, housing, employment, voting and public accommodations were almost identical to those of Indiana. Some people even considered Indiana's laws to be stronger than the proposed federal legislation. For instance, in the area of employment, Indiana's law affected all public and private employers with six or more employees, compared to the proposed federal legislation which affected only private firms with 100 or more employees. The public accommodations law in Indiana was also more forceful. The proposed federal legislation prohibited discrimination in public accommodations, yet there was no mention of the consequences for failing to follow the federal law, whereas in Indiana, the law placed fines of up to \$100 and jail sentences of up to 30 days for offenders. The state also empowered the Indiana Civil Rights Commission to issue cease and desist orders in the area of public accommodations.⁶

Governor Welsh approached the proposed federal civil rights legislation with a sense of pride for having already accomplished in Indiana what the federal government was trying to do. Welsh released a statement in May of 1964 explaining his view toward the comparison of civil rights legislation:

⁵ Ibid.

⁶ James Polk, "Indiana Rights Law Called Tighter Than Federal Bill," *The Indianapolis News*, 29 April 1964; John V. Wilson, "Most Of U.S. Rights Bill Already Is Indiana Law," *The Indianapolis Times*, 29 March 1964.

...Our peaceful experience stands in sharp contrast to the explosive violence in other states, both North and South, including Alabama.

The fact that we have enjoyed relative harmony in our state as contrasted with difficulties across the Nation is the best evidence of the good judgement of Indiana citizens.

This level headed approach to self-government has made Indiana more and more attractive to new industry; it has contributed to our economic well-being and given us a reputation of stability in all our affairs of state....⁷

Many Hoosiers expressed the fear that the federal legislation would usurp the power already held by the state in the area of civil rights. *The Indianapolis Star* presented an editorial that gave a fairly accurate account of the logistical changes that would occur once the federal legislation was approved by Congress: "A Federal Fair Employment Practices section would shift the power from Indianapolis to Washington. It is no more complicated than that." The editorial further explained how inconsistent and burdensome the shift of power might be.

Perhaps the Indiana law is not perfect, and perhaps enforcement from Washington would be more 'efficient.' Frankly, we doubt it. In the long run, those for whom this statute was passed are likely to benefit more by dealing with public servants close at hand rather than bureaucrats far away.⁸

The fear that the federal civil rights law would overshadow Indiana's was dismissed by Welsh. He decided to hold a state-wide civil rights conference in Indianapolis on June 19, 1964, to lay fears to rest and strengthen the levels of communication. The Governor invited human rights organizations, community leaders and mayors from 22 Indiana cities to join him and members of the Civil

⁷ Governor Matthew E. Welsh, Press release, Indiana State Archives, Governor Welsh Files - Welsh Release, A6781, 4 May 1964.

⁸ "Not What But Where," *The Indianapolis Star*, 9 June 1964.

Rights Commission to discuss ways that would improve race relations throughout Indiana.⁹

In his opening remarks to the conference Welsh acknowledged that neither state nor federal civil rights laws were the complete answer to the problems that faced Hoosiers in 1964.

...The laws are extremely important because they define public policy and provide a framework of public justice where private conscience has failed, when all reasonable discourse has not provided a solution...

It is realistic to predict that friction and tension will continue because we are living in an era of change. There will be demonstrations. The new law will be tested. The ability of men and women to rise above their meaner selves will be tested again and again....

The work of our State Civil Rights Commission, the local Human Rights Commissions, the businesses and industries and other private organizations continues to move forward, providing the best evidence that simply passing laws does not signal us to the sidelines, but instead these statutes serve as guidelines for greater effort.... When it becomes necessary to invoke the law and bring sanctions against violators, we should regard it as tangible evidence we have failed to make the kind of progress needed to build a firm foundation for a future and better society....¹⁰

During the meeting figures were presented from a survey conducted by the Commission on the status of minority groups on Indiana's four college and university campuses: Indiana University, Ball State, Indiana State, and Purdue University. The survey included 138 minority students and 39 minority faculty and staff. Discrimination encountered on-campus was reported by one out of three students interviewed. The most common form of discrimination came from other students on-campus. Admission policies of fraternities and sororities,

⁹ Governor Welsh, "Announces civil rights conference," Indiana State Archives, Governor Welsh Files - Announcement of Civil Rights Conference, A6781, 15 June 1964.

¹⁰ Governor Matthew E. Welsh, "Speech made by Governor Matthew E. Welsh at a Civil Rights Meeting in the State Office Building Cafeteria," Indianapolis, Indiana State Archives, Governor Welsh Files - Welsh Release, A6781, 19 June 1964.

as well as assignments to college housing were also cited as sources of discrimination by the survey's participants. Off-campus discrimination affected three out of four students and was most commonly found in the refusal of townspeople to rent rooms or apartments. Half the respondents reported being discriminated against in places of public accommodations within the four communities. The most common complaints from faculty and staff participants were problems finding off-campus housing and getting staff promotions on-campus because of their minority status.¹¹

Based on the survey's results, the Commission issued a resolution asking all state colleges and universities to "follow the pattern established by Indiana University in approving for off-campus residence only those homes or apartments open to all students."¹²

Colleges and universities were not the exclusive focus of the Commission. In May 1964 the Indianapolis school board approved a \$2.8 million expansion plan for Attucks High School, an all-black school. The Civil Rights Commission had reservations concerning the expansion plan because the expansion symbolized approval of de facto segregation which the Commission was trying to end. Thus, in response, the Commission issued a statement: "The violent reaction to construction of additional segregated facilities in Cleveland, Chicago and elsewhere suggests the possibility that the same could happen in Indianapolis. All available alternatives should be considered." On May 20 the Commission called for a hearing to investigate the expansion and recommended that the school board

¹¹ Indiana Civil Rights Commission, "Research report on status of minority groups on Indiana's four state college and university campuses and surrounding communities," Indiana State Archives, Indiana Civil Rights Commission Records, A3514, Box 15 of 18, 19 June 1964.

¹² "Condemn Housing Bias, Colleges Asked," *The Indianapolis Times*, 19 June 1964.

consider turning Attucks into a junior high school and consider building a new high school in a more racially mixed area.¹³

By June the Commission had studied the Attucks problem and issued six proposals to eliminate segregation in all Indianapolis public schools. The Commission presented the following proposals to the Indianapolis school board:

1. Relocate Attucks to where population is growing and land use is residential.
2. Redistrict all high schools, including Attucks, to assure some kind of racial balance.
3. Eliminate Attucks as a high school and redistrict other schools.
4. Combine Wood High School and Attucks into a specialized school and redistrict all others.
5. Make Attucks a specialized school and redistrict all others.
6. Build a new school between Shortridge and Arlington and continue using Attucks.¹⁴

The Commission felt that expanding Attucks alone would perpetuate segregation in the future and their aim was to abolish segregation in all schools.

Despite the protests and proposals made by the Commission, the Attucks expansion proceeded as scheduled over the summer of 1964. In addition to the Attucks expansion, money was also approved by the Indianapolis school board to renovate and expand Shortridge High School in Indianapolis.¹⁵ Harold Hatcher warned that Shortridge was headed toward becoming an all-black school. In 1954 Shortridge had a 15% black enrollment. In 1963 the figure rose to 59%, and the 1964 fall enrollment for the freshman class was expected to be around 70% black. Hatcher said, "You just don't get the quality of education in all segregated schools that you do in integrated schools.... It would just create a new civil rights issue for

¹³ Marjoe Creamer, "Attucks Plan On Expansion Under Fire," *The Indianapolis Times*, 20 May 1964.

¹⁴ "Study Plan To End Segregated High Schools," *The Indianapolis Recorder*, 27 June 1964.

¹⁵ "Construction To Start At Attucks," *The Indianapolis Times*, 14 July 1964.

Negroes because their children would not get the advantages of an integrated education." Hatcher asked the school board to reconsider a proposal made by one of its new members, Richard Lugar, to form a committee to study race relations in the city schools. Alice Coble, the school board president, was resistant to the idea of integration in the schools and replied, "The business of schools is an educational and not a sociological one. I don't think there's anything wrong with having a school made up of just one group. All citizens are alike in the sight of God and the law." Coble also disagreed with the proposal to form a race-relations committee because she felt that the existing committees could handle all of the problems.¹⁶ The lack of cooperation on the part of the school board to work with the Commission at an early stage in finding solutions and preventions to the problems of school segregation in Indianapolis eventually led the federal courts to intervene in the late 1960s and 1970s to desegregate the Indianapolis schools.

As was normally the case, the Commission had more than one survey or topic of investigation going on. In early July the Commission received and investigated six complaints of discrimination at privately owned swimming pools across the state. The complainants argued that pool club owners sold higher priced memberships to blacks and lower priced memberships to whites, which boosted white membership and discouraged blacks from using the facilities. Hatcher explained that the problem of discrimination in public swimming pools had been resolved for some time but the problem was shifting to privately owned pools. According to the public accommodations section of Indiana's civil rights law, private owners could be charged with discrimination if they operated pools without by-laws, without boards of directors, without membership committees, or if they advertised. At the Commission's July meeting, Hatcher proposed that a

¹⁶ "Hatcher Foresees Negro Shortridge," *The Indianapolis News*, 24 July 1964.

survey be conducted to study the problem of discrimination in Indiana's swimming pools. He presented his proposal before a group of cautious Commission members. The proposed survey included pools that had been inspected by the State Board of Health: YMCA and YWCA pools, city and town pools, state parks, semi-private clubs, country clubs and family clubs. The purpose of the survey according to Hatcher was "to help us [the Commission] inform operators of swim clubs and pools what effects integration might have on their operations."¹⁷ The Commission members were at odds over whether to approve the survey or not. Chairman Byron Novitsky feared that such a survey might show pool owners that integration could cause a loss of business, which would defeat their purpose. Harriet Conn, the Deputy Attorney General assigned to the Commission, explained how the legal system in Indiana which covered privately owned clubs and pools was not clear when it came to civil rights and public accommodations. Hatcher defended his proposed survey by saying he could not continue to pursue complaints if he did not have the proper statistics to back him up. Otherwise, he said he could be made to look incompetent.

[The survey] might keep me from going out and looking like a chump - telling operators to do something that is ridiculous.... I was a business manager 20 years before I was a civil rights investigator.... We would go to the civil rights leaders and say we've got to do some more education work. It would not serve any purpose to force on a businessman an unreasonable situation.¹⁸

After much debate the Commission agreed to conduct the survey and sent out 176 questionnaires to managers of publicly and privately owned pools in 50 Indiana cities. By August 11, the Commission had received 105 of the completed

¹⁷ "State To Check All Swim Pools For Bias," *The Indianapolis Times*, 13 July 1964.

¹⁸ "Open' Pools Debated, Survey Finally OK'd," *The Indianapolis Star*, 16 July 1964.

surveys and concluded that in most cases integrated swimming pools did not cause a loss of business to pool owners and did not cause racial disturbances.¹⁹

The final survey results indicated that only 10% out of the 46 pools that kept attendance records showed a loss of patronage because of integration. The other pools reported either no change or an increase in patronage. Only 5 out of 85 pools had problems or incidents occur over a three year period because of a change in integration policies. The typical comments made by pool owners and managers throughout the survey were that there were no problems associated with integration in their pools.²⁰

The results of the swimming pool survey showed there were few problems with integration in pools around the state. The same was true for another survey conducted by the Commission on housing integration. Hatcher presented findings of an extensive housing study at the Commission's annual state-wide conference held on September 22: "We must conclude that fears expressed by many Indiana citizens concerning racial tensions, property maintenance, property values, and flight of white families from integrated neighborhoods are largely unfounded."²¹

The housing survey included interviews with 1,910 white families and 445 black families in 30 Indiana cities by members of the Mayor's Commissions on Human Relations and local committees. The area of study was limited to neighborhood blocks where white families remained for at least three months after one or more black families moved into the block. The Commission wanted a prolonged period of time for blacks and whites to get to know each other as

¹⁹ Indiana Civil Rights Commission, "Swimming Pools in Thirty Cities Report Integrated Swimming Is Successful," Indiana State Archives, Governor Welsh Files - Civil Rights Releases, A6798, 11 August 1964.

²⁰ Indiana Civil Rights Commission, *1965 Report: Indiana Civil Rights Commission*, Indiana State Archives, Indiana Civil Rights Commission Records, R 5485, 1965, p. 12.

²¹ "Study Shows Residential Integration Calm In State," *The Indianapolis Times*, 21 September 1964; "Whites Discredit Idea of Negroes Hurting Property," *The Indianapolis News*, 21 September 1964.

neighbors. By allowing this time, the Commission also wanted to test the assumptions by whites that black families caused property values to decline and racial tensions to rise when they moved into an all-white neighborhood. The survey found that 71% of white families said their black neighbors maintained their properties "about the same" as they did, while 6% said maintenance was "worse," and 23% said maintenance was "better." When blacks were asked the same question about their black neighbors 68% responded "about the same," 8% said "worse" and 28% said "better." Four out of five black families said opposition from whites was not a problem. Half of both the white and black respondents reported their annual incomes to be between \$5000 and \$10,000, and blacks reported more college education (25%) than whites (23%).²²

Upon releasing the housing results to the conference, Hatcher called for the 1965 General Assembly to enact state-wide open housing laws. According to Hatcher, open housing opportunity was as important a civil right as equal employment, education and public accommodations.

The Commission handed out questionnaires concerning open housing and education integration legislation for the conference members to fill out at the end of the Commission's annual conference. Out of the 136 who responded to the housing questions, 127 agreed that Indiana's civil rights law should include housing. Out of 139 responding to the school integration questions, 110 believed the Commission should assist school authorities in reducing and/or eliminating de facto segregation. Over half of the respondents felt that school segregation could not be eliminated, however, unless open housing laws were passed. A strong showing of support was given by the conference members to the

²² 1965 Report, p.4-5.

Commission for its intentions to ask the 1965 General Assembly to consider making additions to the civil rights laws in both areas of housing and education.²³

While votes were being taken at the civil rights conference, Hoosiers were gearing up for the November elections. Back in July both the Governor and Hatcher commented to the press about the dangerous possibility of widespread demonstrations if candidates, both nationally and locally, decided to capitalize on the issue of civil rights. Welsh said,

...We talked briefly about it... and both felt it would be very easy for civil rights to become the leading issue in the presidential campaign. We agreed it would be a bad thing. In the heat of an election they can strike some pretty low blows.... [Demonstrations] could set back the civil rights cause and offset some of the gains that have been very painfully made in recent years through patient negotiation....²⁴

As the campaigns progressed, the Commission negotiated with both major political parties in Indiana to endorse a statement which excluded using any kind of racial bigotry. On September 29 both Indiana's Democratic and Republican party leaders signed the statement drafted by the Commission which read:

The success and strength of our two party system depends upon an interested and informed electorate. We believe that in a political campaign it is imperative that all local, state and national issues be fully discussed so that each voter can cast his ballot for the person or party that will best represent his views.

We do, therefore, repudiate any attempt by any person to inject bigotry and hatred based on race, religion or national origin into this or any political campaign, or to capitalize on such bigotry and hatred for

²³ "State Law Urged For Open Housing," *The Indianapolis Times*, 22 September 1964; "Freedom Curtailed When It Hits Others Rights, Conference Is Told," *The Indianapolis Star*, 23 September 1964.

²⁴ "Governor Cautious On Race Agitation," *The Indianapolis Star*, 15 July 1964.

political or personal gain. We believe that such tactics are contrary to the American principles of justice and fair play.²⁵

The 1964 presidential elections resulted in a landslide for Lyndon Johnson. In Indiana, Roger D. Branigin won the race for governor. Throughout the campaign season Welsh devoted his attention to running the state government and trying to get Johnson elected as president.

In October 1964, while the election battles were being waged, the Commission released results of a survey that it had been working on since December of 1963 concerning Indiana's part-time minority college students. Gloria Scott, a Ph.D. candidate from Indiana University and faculty member of Marian College, conducted the survey of 200 part-time black students at the Indianapolis campus of Indiana University. Scott found eight out of ten students depended on their own employment to pay for their education. Out of the 200 students surveyed, 40 started college five to ten years earlier, and 170 hoped to receive their degrees within five years. The report indicated that very few black students were aware of the availability of any type of financial assistance.²⁶

Scott conducted in-depth interviews with 25 out of the 200 students. The majority of the 25 students were studying to be teachers. The combined family incomes of all but 2 students averaged around \$4000 annually. When asked where motivation came from to attend college, most of the students replied that it was their friends or peers that influenced them, rather than their parents or teachers. Statistics about each of the 25 students' parents revealed that all of the parents were either semi-skilled, unskilled or unemployed. Scott concluded:

²⁵ Indiana Civil Rights Commission, "Democratic and Republican State Central Committees Repudiate Injection of Bigotry Into Campaign," Indiana State Archives, Governor Welsh Files - Indiana Civil Rights Releases, A6798, 29 September 1964.

²⁶ Indiana Civil Rights Commission, "Survey on Part-Time Minority College Students," Indiana State Archives, Governor Welsh Files - Indiana Civil Rights Releases, A6798, 21 October 1964.

If the economic problems confronting the 200 part-time undergraduates on the I.U. campus are representative of the 1400 part-time students around the state, we can assume that for the foreseeable future the number of Negro college graduates will lag behind the increasing demand for the services in business and the professions.²⁷

Throughout 1964 the Civil Rights Commission was continuously researching and conducting surveys. In November, *The Indianapolis Times* reported that the Commission had undertaken yet another survey involving the employment practices of the Indianapolis Schools. The reason for the survey according to Hatcher was to find out if black employees were being assigned to predominately black schools and white employees to predominately white schools. The final results of the Commission's Indianapolis schools survey were not released in 1964.

Ironically, while the survey was underway the Commission received a complaint from Andrew Ramsey, a black teacher from Attucks High School. Ramsey filed his complaint with the Commission on August 31, 1964, because he felt he had been denied a transfer to another school due to his race. Ramsey had asked for a transfer a number of times during the previous six years. School superintendent George Ostheimer replied that Ramsey's requests for transfers were denied because his position at Attucks could not be filled. Ostheimer also defended the schools employment practices, and said that Indianapolis was in better shape than most other school systems in Indiana.²⁸

As 1964 came to a close, the Commission formalized its legislative recommendations to present to the 1965 General Assembly. The two major

²⁷ Ibid.

²⁸ Gordon C. Reaburn, "State Probes Race Complaint Of Attucks French Teacher," *The Indianapolis Times*, 19 November 1964.

recommendations were the addition of an open housing amendment to the 1963 Civil Rights Law, and an amendment to the 1949 School Desegregation Law which would give school boards and administrators the power to implement the state's policy of integration. The Commission drafted eight reasons why it felt the General Assembly should pass the open housing amendment. A few of the reasons embodied the basic freedom of choice for all American citizens. Included in the list of reasons was the Commission's survey of integrated neighborhoods which demonstrated that integrated neighborhoods were not a problem for the majority of Hoosiers. Too, by incorporating housing in the law, according to the Commission, the state would prevent "the danger of any block being 'turned' from an all-white to all-Negro in a relatively short period." Larger cities in Indiana were considering open occupancy ordinances, which the Commission felt created a need for state-wide legislation. The Commission's final reason explained the importance of passing the amendment and the consequences of failing to do so.

...The under-education and under-employment of a large segment of our Negro population leads to poverty, illness and crime which represents not only a waste of manpower but a financial obligation on all taxpayers. One practical way to increase the incentive to study, to work and to save is to extend to Negro citizens an equal opportunity to the homes they choose and can afford....²⁹

The emphasis placed on housing and education by the Commission for the 1965 legislative session kept the Commission true to its goals for 1964. The Commission in 1964 conducted a myriad of studies, surveys and conferences throughout the year on housing and education, and followed through with a solid

²⁹ 1965 Report, p. 15.

proposal to bring its goals to action through legislation, just as the 1961 Civil Rights Law required.

1965 - A Turning Point for the Commission

The Indiana Civil Rights Commission celebrated its fifth anniversary in 1965. During its first four years, the Commission was formed and had operated under the leadership of Governor Welsh. In January 1965, however, the reign of power in Indiana was transferred to Roger D. Branigin. The 1965 General Assembly had also gained new members as a result of the 1964 elections. The Commission could no longer count on the automatic support from Indiana's leaders to which it had been accustomed. The 1965 legislative session would provide some indication for the Commission as to how much support it could expect in the future from Indiana's new leadership.

The Commission's 1965 legislative agenda included three major proposals: the repeal of the anti-miscegenation law banning mixed racial marriages, the introduction of a fair housing law, and a proposal to eliminate de facto segregation in Indiana's schools. At a press conference held on January 5, Harold Hatcher and Osma Spurlock, the deputy director, said the Commission would directly support legislation on fair housing and the elimination of segregation in schools. However the Commission decided not to sponsor directly the anti-miscegenation legislation because it was certain other organizations would support the repeal which allowed the Commission to focus more attention on its other two proposals. During the press

conference, Hatcher outlined the Commission's fair housing proposal which stated that racial discrimination on the part of an individual or real estate firm in the sale or rental of a home or apartment would be prohibited and violators would be subject to a cease and desist order issued by the Commission. The Commission's housing proposal for the legislature called for amending the 1963 Civil Rights Law, while the school desegregation proposal amended the 1949 School Desegregation Law. Spurlock addressed the Commission's school proposal which would require schools to take "any affirmative actions that are reasonable, feasible and practical to effect better integration and to reduce or prevent segregation or separation of the races in public schools, from whatever cause." Spurlock also suggested methods that school boards could use to implement the new law. A school board could build schools that would serve both whites and blacks; a board could make students change schools after the first four grades; or a board could change school districts to include both races. In addition, Spurlock mentioned that under the Commission's proposal school boards would be allowed the choice to bus students to different schools in order to achieve better racial balance.¹

Hatcher and Spurlock also released to the press a report the Commission prepared for the General Assembly. The Commission's report compiled statistics from its surveys to support the need for fair housing and school desegregation legislation. The report concluded:

1. Integration usually occurs in older neighborhoods.
2. Four of five Negro families reported no difficulties in acquiring or moving into their homes because of race.

¹ "Bar Sought In Home Sale Discrimination: Group Also To Ask Wider School Mixing," *The Indianapolis News*, 5 January 1965; "94th Assembly To Vote On Fair Housing Law," *The Indianapolis Recorder*, 9 January 1965.

3. Nearly three fourths of white families reported that Negro neighbors maintained their property "about the same" as white neighbors.
4. Many public school systems in communities with a sizable nonwhite population are not employing nonwhites as teachers.
5. While Negroes comprise more than 6 per cent of the state's population, they make up only 1.5 per cent of all full-time college and university students.
6. In both Lake and Marion Counties, the rate of unemployment among Negroes was more than twice as high as among whites.²

Less than a week after the Commission unveiled its plan for the legislature, *The Indianapolis News* wrote a scathing editorial saying the Commission was pursuing "the wrong course" when it came to both the housing and school legislative proposals. The newspaper disagreed with Hatcher's ideas.

His first proposal would negate free disposition of one's own property in Indiana.... The second suggestion... ignores the proper function of school boards and the point of the neighborhood concept. The job of a school board is to provide the best possible educational facilities and programs, not to oversee a social laboratory or to involve itself in combating population patterns.

It is interesting that both proposals of the civil rights commission rely for their effectiveness on governmental compulsion - a move away from the commission's previous commendable course of progress through persuasion.³

The editorial also chided Hatcher for not backing the repeal of Indiana's law forbidding interracial marriage. Hatcher had said before that other groups would support the repeal in the legislature, which would allow the Commission to focus more of its attention on the housing and school

² "Bar Sought In Home Sale Discrimination: Group Also To Ask Wider School Mixing," *The Indianapolis News*, 5 January 1965.

³ "The Wrong Course," *The Indianapolis News*, 9 January 1965.

proposals. The editorial concluded, "By the same reasoning, perhaps he [Hatcher] will be content if other groups refrain from supporting the proposals of the commission."⁴

During the first full week of the 1965 legislative session State Representative Russell Dean of Indianapolis introduced a bill to repeal Indiana's anti-miscegenation law. According to Dean, Indiana and Wyoming were the only two northern states with such a law still in effect. He cited the 14th Amendment to the U. S. Constitution as reason enough for Indiana's legislators to repeal the law. In his closing remarks to the General Assembly, Dean stated, "Indiana should remove this morally and legally indefensible blot from its record by repealing the Anti-Miscegenation law without further delay."⁵

Interestingly, the only Indianapolis newspaper to give much coverage to the repeal of the anti-miscegenation law was *The Indianapolis Recorder*, a predominately black newspaper. The other three major papers gave little to no attention to the issue. Perhaps the issue was an indication of the racial gulf that existed between the black and white communities in Indianapolis.

Both the open-housing and school desegregation bills were introduced in the Senate on January 19, 1965. The proposed housing bill gave the Commission jurisdiction over the sale or rental of property if charges of racial discrimination were filed. The proposed school bill required school boards to either shift school boundary lines or transfer students to achieve integration. Controversy over the two civil rights bills began almost immediately after their introduction. The legislative chairman of the Indiana Real Estate Association, Robert Graves, was quick to criticize the proposed housing

⁴ Ibid.

⁵ "Rep. R. J. Dean Authors Bill To Abolish Law," *The Indianapolis Recorder*, 16 January 1965.

legislation, and said the public would oppose open housing legislation. Hatcher had worked with Graves earlier on the proposals and said he was surprised by Graves' reaction.⁶

The Senate moved quickly to hold a public hearing on the two controversial civil rights bills. At the hearing, opponents of the housing bill urged the Senate to remove a section of the bill which proposed that the Commission be allowed to issue cease and desist orders against someone found to be discriminating in the sale or rental of property. Hatcher disagreed and urged that the enforcement powers be left in the bill's language. Hatcher argued, "It is the difference between a sermon which the listeners may take under advisement and a law which he is reluctant to openly violate."⁷

At the hearing opponents of the school desegregation bill argued that busing would be the end result if the bill were passed, and felt for that reason that the bill was unconstitutional. The Commission refused to involve itself in the controversy over the ban on busing sought by opponents of the school desegregation bill. However, the Commission agreed to a compromise on the open housing bill that would have pushed back the effective start date from January, 1965 to July, 1965.⁸

The controversy that surrounded both Senate bills eventually forced Governor Branigin's involvement. After a lengthy meeting with the Democratic Senate leaders on January 22, Branigin announced he would seek a compromise on both measures to insure their passage. Branigin's philosophy toward civil rights matters was one of "gradualism." Senate

⁶ *Indiana Senate Journal* (1965), 83; Paul M. Doherty, "Open Housing, Pupil Transfers Sought In Two Rights Bills," *The Indianapolis Star*, 19 January 1965.

⁷ Harrison J. Ullman, "Public Hearing On Rights Bills Draws Fire," *The Indianapolis Star*, 22 January 1965.

⁸ *Ibid.*; Paul M. Doherty, "Civil Rights Bill Changes To be Asked," *The Indianapolis Star*, 21 January, 1965.

Majority Leader Jack Mankin, a Democrat from Terre Haute, suggested two compromises for the housing bill: the first would have eliminated from the bill's language the enforcement powers of the Commission, and the second would have set back the effective start dates of the open-housing law to which the Commission had previously agreed. The compromise suggested by Mankin for the school desegregation bill changed the language to allow school boards permission to use busing and/or redistricting to achieve integration, rather than forcing them to do so. Branigin continued to reiterate throughout the controversial debates that his intention was not to force either housing or school enrollments, but to provide equal opportunity for all.⁹

On January 26, Branigin told the Senate committee responsible for both civil rights bills that he preferred that the Commission not have the enforcement power to issue cease and desist orders in regards to open housing. He also endorsed the permissive provision of the school bill, rather than the mandatory provision originally drafted. The Senate voted on January 27, and for the most part adopted the compromised proposals for both civil rights measures that Branigin had suggested the day before. In the Senate's final version of the housing bill, however, the Commission was granted limited power to use cease and desist orders to stop discrimination in publicly-owned and federally-financed housing.¹⁰

Hatcher's reaction to the Senate vote was one of dissatisfaction. He said, "Since we [the Commission] have had two years experience without

⁹ "Governor Steps Into Civil Rights Controversy, Seeking Compromise," *The Indianapolis Star*, 23 January 1965; Jack Averitt, "Branigin Defends 2 Rights Bills," *The Indianapolis News*, 25 January 1965; "Rights Bills Will Be Toned Down," *The Indianapolis News*, 26 January 1965.

¹⁰ *Indiana Senate Journal* (1965), 119-20; Paul M. Doherty, "Senate Demos Offer 'Toned Down' Civil Rights Bills," *The Indianapolis Star*, 26 January 1965; "Civil Rights Now 'May,' Not 'Shall,'" *The Indianapolis Times*, 27 January 1965.

enforcement power and two years experience with enforcement power, it's clear to us we can accomplish more in adjusting complaints when we're backed up with an enforcement clause." Hatcher also said he had hopes that the Indiana House would consider the legislation as it was originally intended.¹¹

On February 10, the House committee charged with working out the details of the civil rights bills in the House introduced a provision that allowed the Commission to use its enforcement power if discrimination existed in residential buildings of four or more units. While the provision did not cover the original intent for all housing, it did give the Commission more authority than the Senate's version. During the House debate over both civil rights bills, a number of groups that actively sponsored both bills staged a march at the statehouse to try to influence House members to support the original civil rights legislation. Throughout the march, activists for the various civil rights groups spoke out against Branigin's policy of gradualism. One protester said, "Governor Branigin has betrayed our trust," while another said that the Senate's version of the bill was "an ineffectual piece of hog-wash that must be laid on the lap of Governor Branigin."¹² House members must have been listening to the activists as they marched because on March 2 the House voted overwhelmingly, 86 to 10, to restore the enforcement power to the Commission in its limited form, and agreed to the Senate compromise of the school desegregation bill which allowed school boards the choice to decide how to accomplish integration.¹³

¹¹ "Stronger Rights Bill Sought By Hatcher: Labels Weaker Senate Version 'Ineffective,'" *The Indianapolis Recorder*, 30 January 1965.

¹² "Rights Bill's Sponsors Style Branigin Its Foe," *The Indianapolis Recorder*, 20 February 1965; "Weak State Rights Bill 'Protest March' Set," *The Indianapolis Recorder*, 13 February 1965.

¹³ *Indiana House Journal* (1965), 966-68; "Indiana House OKs Compromise 'Open Housing' Measure, 86 -10." *The Indianapolis Star*, 3 March 1965.

After the House voted on both bills they were sent back to the Senate for a final vote, which came on March 3. The Senate voted 47 to 2 to approve the house version of both bills. Branigin signed the school bill on March 6, 1965, and on the same day he also signed the quietly passed anti-miscegenation bill which legalized integrated marriages. On March 9, 1965, Branigin put his signature to the controversial housing bill. At long last open housing in Indiana became a civil right.¹⁴

Throughout the legislative session of 1965, Governor Branigin's stance as a compromiser and gradualist on matters of civil rights left him vulnerable to criticism from both sides. His lack of support for the Civil Rights Commission's legislative recommendations also left the Commission and its loyal supporters with an apprehensive feeling toward the administration.

The Indianapolis black press sensed the frustration of Indiana's civil rights activists and printed editorials during the controversial legislative session that criticized the trend toward compromise led by Branigin.

...Negroes who had expected to have little difficulty in the legislature which owed its complexion largely to the Negro vote, were shocked by the quibbling over words which emanated from the lawmakers and by the endorsement by the governor of [the] brutal emasculation of the housing bill....

The governor and many of those opposed to the housing bill as introduced tended to recite instances in which they had been kind to the Negroes as proof that they were acting in the best interest of Negroes in removing the teeth and the gums from the proposed legislation....¹⁵

¹⁴ *Indiana Senate Journal* (1965), 910, 1081; The Indiana Civil Rights Commission, *Civil Rights Bulletin*, Roger D. Branigin Papers, The B. F. Hamilton Library, Franklin College, Franklin, Indiana, Container 37, Folder 5, March 1965, p. 2; "Both Houses Pass Fair Housing Bill: Measure set For Governor's Signature," *The Indianapolis Recorder*, 6 March 1965; "Assembly Enacts Far Reaching Steps," *The Indianapolis Star*, 7 March 1965.

¹⁵ Andrew W. Ramsey, "As The Year Begins," *The Indianapolis Recorder*, 13 February 1965.

The Indianapolis Times ran an editorial in support of the civil rights legislation as originally proposed by the Commission, before Branigin offered further compromises.

Two civil rights bills before the Public Policy Committee of the Indiana Senate deserve passage....

It would greatly disappoint the civil rights groups, however, if passed thus disarmed.

They had already accepted some dilution of what they wanted, in behind-the-scenes mediation that was designed to bring the two lobbies into agreement....

Both real estate and civil rights spokesmen are interested in property rights for all people.

The state clearly has a role in guaranteeing these rights for all.¹⁶

After the General Assembly passed the two civil rights bills an editorial in *The Indianapolis Recorder* criticized the Assembly for not going far enough in following the federal lead in civil rights matters.

In some particulars the General Assembly will be saluted on the passing of civil rights legislation encompassing 'fair housing' provisions. Yet the measure left much to be desired, or unrealized.

We contemplate that the spirit or letter and fact of equal opportunity on all fronts and for all citizens regardless of national origin, creed or ethnic background is now prevailing in keeping with decrees of the executive branch of the federal government and action of the legislative branch or the Congress.

However, provisions of 'fair housing' legislation enacted by the General Assembly do not meet the spirit and fact of the same as conveyed by the two branches of the federal government.

Otherwise, general provisions of the new state law are inadequate in keeping with the inescapable evolution of equal opportunities on all fronts for all citizens of our land.¹⁷

¹⁶ "Two Civil Rights Bills," *The Indianapolis Times*, 24 January 1965.

¹⁷ "A Fair Housing Bill, Still A Challenge," *The Indianapolis Recorder*, 13 March 1965.

Shortly after the Indiana legislature ended its 1965 session, the Civil Rights Commission released a survey which revealed that the black population in Indianapolis was growing at a faster rate than there were jobs available. The result was a growth in unemployment for blacks in Indianapolis. According to the survey, the black population in Indianapolis increased 2.5 times between 1960 and 1965, and unemployment among blacks grew to 31 per cent. The survey also showed that most of the blacks that resided in Indianapolis in 1965 lived in slums or run-down neighborhoods which were completely separated from the white neighborhoods. After releasing the details of the Commission's survey, Hatcher concluded that the passage of the housing and school desegregation legislation was going to help reverse the trend of unemployment among Indianapolis' blacks. He concluded, "It will provide new incentives for young Negroes to qualify for better jobs and steady employment to save money for a home of their choice." Hatcher admitted, however, that the new housing and school laws were only initial steps in solving the unemployment crisis of the black communities in Indiana.¹⁸

In planning for a smooth implementation of the new housing law, the Commission in May 1965 named a Housing Advisory Committee made up of 18 members to help the Commission. With the assistance from the Housing Advisory Committee, the Commission published a pamphlet in July explaining the new civil rights housing law. The pamphlet described the unfortunate results of existing segregation as a large concentration of blacks living in the inner city in overcrowded and over-priced housing, property

¹⁸ Gordon C. Raeburn, "Negro Migration Here Grows Faster Than Jobs," *The Indianapolis Times*, 24 March 1965.

deterioration, problems of poverty and crime, and white-flight caused by the fear of integration. The 1965 housing pamphlet was sent to human rights commissions, churches, labor unions and real estate agents across Indiana.¹⁹

The spring and summer months were quite busy for the Commission as its members worked out plans to implement both the open-housing and school desegregation laws. In June the Commission adopted a list of steps to encourage school integration that were to be distributed to all school administrators in Indiana. Included in the voluntary guidelines issued by the Commission were suggestions for a written policy recognizing the benefits of integration: to assign administrators and staff to supervise, implement and promote integration policy; to keep the school staffs informed on developments related to integration; to construct new schools and adjust existing schools to increase and/or maintain integration; to select instruction materials that portrayed different racial and ethnic groups with dignity; and finally to encourage all students regardless of race, color or creed to participate in all school, club or organizational activities. The Commission's voluntary school integration guidelines were sent to all school officials in July 1965.²⁰

It seemed as though the Commission steadily shifted its focus back and forth throughout 1965 between the school integration law and the open-housing law. In August the Commission, under recommendations proposed by its Housing Advisory Committee, announced it would work with local groups in Indiana's cities to discourage the practice of neighborhood "blockbusting." Blockbusting occurred when a minority family moved into

¹⁹"Civil Rights Commission Names Advisory Group," *The Indianapolis Star*, 20 May 1965; "Leaflet May Explain Housing Integration," *The Indianapolis Times*, 24 June 1965.

²⁰ Indiana Civil Rights Commission, *Indiana Civil Rights Commission '66 Report*, Roger D. Branigin Papers, The B. F. Hamilton Library, Franklin College, Franklin, Indiana, Container 69, Folder 11, p.6; "10 Integration Steps Urged For Schools," *The Indianapolis News*, 25 June 1965.

an all-white neighborhood precipitating the remaining white families in the neighborhood to sell their homes at a lower price out of fear to additional minorities, which resulted in a quick takeover of a neighborhood by one racial or ethnic group. By formulating a policy that encouraged neighbors to voluntarily stop the practice of blockbusting, the Commission hoped to alleviate future residential segregation and hoped to stabilize the real estate market of integrated neighborhoods.²¹

The Housing Advisory Committee introduced in October 1965 a set of voluntary guidelines based on the open-housing law for lending institutions to follow. The guidelines suggested that mortgage lenders adopt or continue to follow a non-discriminatory policy, communicate and enforce the policy with employees, follow the policy of non-discrimination in handling loan applications, explain in detail the reasons behind refusals of loans to alleviate any suspicions of discrimination, and help educate future borrowers as to the qualifications needed to obtain a loan. The Commission adopted the Housing Advisory Committee's guidelines and sent notices containing the suggestions to lending institutions and individual lenders around the state.²²

In October, the Indiana Civil Rights Commission released its final survey for the year. The Commission had studied the employment of non-whites by city governments in 42 Indiana cities. The results showed that all but three cities, Brazil, Mishawaka and West Lafayette, employed blacks. Connersville topped the list with the highest non-white employment. The survey also indicated that job classifications among black employees varied

²¹ "'Blockbusting ' Forces Opposition By Rights Group," *The Indianapolis Recorder*, 28 August 1965.

²² Indiana Civil Rights Commission, Housing Advisory Committee meeting minutes, Roger D. Branigin Papers, The B. F. Hamilton Library, Franklin College, Franklin, Indiana, Container 37, Folder 5.

considerably from city to city. The survey showed that 53% of unskilled labor in the cities' surveyed was made up of non-whites compared to 18% for unskilled whites. The study also showed an increase of 280 black teachers in the state's school systems between 1964 and 1965. The Commission concluded that municipal governments and city administrators contributed to the underemployment of blacks in Indiana. The Commission also urged city human relations commissions to "cooperate with all departments of their city government in achieving an equitable distribution of jobs to qualified applicants from the minority groups living in their communities."²³ The results of the survey were an indication that minorities in Indiana had yet to achieve the equal opportunities guaranteed them through both state and federal civil rights laws. The survey was a tool the Commission used to promote its efforts for change in a state reluctant to give up its tradition of subtle segregation and racism.

It was becoming apparent by 1965 that one of the most time-consuming functions of the Commission was to receive and investigate discrimination complaints. In 1965 the Commission received a total of 196 complaints, compared to 138 in 1964. The Commission estimated that 95% of the complaints came from blacks and that 64% of the complaints came from a radius of 50 miles around Indianapolis. Two-thirds of the complaints handled by the Commission in 1965 involved employment discrimination, while 15% concerned public accommodations and 16% concerned housing complaints. Because of the increased number of complaints, coupled with the passage of stricter civil rights laws which increased its enforcement powers, the Commission decided it would be most effective to join forces with the

²³ ICRC '66 Report, p. 4-5; "Cities Told They Lag In Hiring Policy Cited By Ind. 'Rights' Commission," *The Indianapolis Recorder*, 23 October 1965.

local city human relations commissions to handle future complaints. The Indiana Civil Rights Commission signed agreements with city commissions across Indiana for the local governments to act in the state's behalf in resolving the overwhelming number of complaints. The Commission also decided to reassign its staff consultants to better communicate on a regular basis with the local commissions.²⁴ By distributing part of its work load to the local communities, the Commission increased its ability to combat the oppression of the growing Hoosier minorities. The redistribution also left the Commission time to defend and promote its programs to a new administration that was often unsupportive of the Commission.

The future of the Commission's support from the Branigin administration had become uncertain in December 1965. The issue of the Commission's authority over other state agencies was called into question in a memo sent from the governor's assistant, James Farmer, to the State Mental Health Commissioner, Dr. S. T. Ginsberg:

...Governor Branigin asked that I tell you that letters from the Indiana Civil Rights Commission, involving employee complaints, should be funneled to this office. He does not believe that one state department should be making judgements about another state department without this office knowing....²⁵

The trust that Hoosier lawmakers had placed in the Commission to carry out its duties according to the Civil Rights Acts of 1961, 1963 and 1965 was beginning to be questioned by Governor Branigin and his staff. Toward the close of 1965, control became an important issue to Branigin, and Hatcher

²⁴ *ICRC '66 Report*, p. 10-13.

²⁵ Memorandum from James Farmer, Assistant to Governor Branigin, to Dr. S. T. Ginsberg, State Mental Health Commissioner, Roger D. Branigin Papers, The B. F. Hamilton Library, Franklin College, Franklin, Indiana, Container 37, Folder 5.

had reason to question Branigin's support. Times were changing and the Commission was being asked to prove itself to the new administration. Despite the watchful eyes of the Branigin administration, the Indiana Civil Rights Commission had a duty by law to carry out its mission of providing civil freedoms for all Hoosiers.

It was clear that the governor's support was essential to the progress of the Commission. Governor Welsh's strong advocacy of the Civil Rights Commission during its first four years fortified the Commission to provide the state with a substantially solid civil rights program. The Commission's established programs continued practically unchanged under Branigin's administration. However, the tepid support of the Commission by Branigin meant progress for the Commission's future programs was likely to slow considerably. In that respect, 1965 proved to be a turning point for the Commission.

CONCLUSION

The creation of Indiana's Civil Rights Commission by Indiana's 1961 legislature is substantial considering that the majority of members from both the House and Senate had constituencies that consisted of white rural voters. Throughout the period of the civil rights movement in the late 1950s and early 1960s Indiana's rural citizens were isolated for the most part from the changes taking place in the urban centers where the majority of blacks resided. The civil rights movement had little affect on the majority of the rural population in Indiana, many of whom firmly believed in segregation. Why then were the elected representatives of the rural populations in Indiana willing to approve the creation of a civil rights commission that ultimately represented views that might conflict with a majority of the states inhabitants?

There is no single answer to this question, however, the legislators representing the rural constituents had nothing to lose by supporting the creation of a civil rights commission whereas, the few legislators who represented the black voters in Indiana had much to gain. The apathy toward the issue by the legislators who represented the white, rural vote was based on the belief that granting equal rights for blacks would affect the urban populations more than it would the rural communities. In addition, most Hoosiers, as well as the vast majority of the world, eye-witnessed through the technology of television the tragic events of the South when civil rights activists clashed with the white resistance. The civil rights movement by

1961 had become a national phenomenon which sent a wave of fear through Indiana's leaders. From the governor on down, Indiana officials wanted to prevent the violence associated with the movement and feared that mass protest could easily occur within the state if some type of compromise between the mostly urban black and rural white communities was not made. The creation of a civil rights commission was the result of a compromise to keep Hoosiers calm, as well as recognize the civil rights movement. The Commission functioned, sometimes without success, as a bureaucratic mediator between the black and white communities. This particular theory however, does not discount the fact that many Hoosiers, including Governor Welsh, deeply believed in the right of equal opportunity for all Americans that the civil rights movement had come to represent.

The first five years of Indiana's Civil Rights Commission produced the impetus and guidance that was necessary to change Indiana's laws. One can argue that without the Commission, Indiana lawmakers would not have likely passed the fair housing and school desegregation legislation that they did in 1965. The success of that legislation is debatable, however, since the struggle to achieve open housing and complete school integration continued well into the 1970s. The Commission achieved a degree of success in opening Indiana's public accommodations; yet it is still rumored that blacks remain unwelcome in certain Indiana communities. To this day, the Indiana Civil Rights Commission continues to process a record number of complaints regarding discrimination. The discrimination cases have shifted over the more than three decades of the Commission's existence from what was once a black/white issue to a more diversified range of cases whose victims include Hispanics, women, Jews, American Indians, homosexuals, the aged, the handicapped, the homeless, etc.. The prejudices against these various groups

have been around for centuries. It's only been recently, however, that these groups have become visible in their struggle to achieve equality.

The Indiana Civil Rights Commission was a small bureaucratic institution in a state whose majority of the population would have preferred to ignore the civil rights movement altogether. The paternalistic nature of the Commission, which excluded blacks from its ranks, left a slight impression upon the minds of Hoosiers. A virtual lack of knowledge of the Commission's existence was commonplace among a large segment of Indiana's population. To this day people are surprised to learn that Indiana had or still has a civil rights commission. Even though the Commission was small, and sometimes unsuccessful in accomplishing its plans, it played an important role in Indiana's civil rights movement. The legacy of Indiana's Civil Rights Commission has been overshadowed by the tumultuous events that took place on a national level in an era that dramatically altered the course of the latter half of the twentieth century. When placed in the context of the American experience, one can appreciate the efforts put forth by the few Hoosiers who were willing to take the necessary risks to try to end discrimination.

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