

MUNCIE AND THE "BLUE LAWS"--1961-63

A RESEARCH PAPER  
SUBMITTED TO THE HONORS COMMITTEE  
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by

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This writer gratefully acknowledges the guiding hand of Dr. Jacques R. Goutor during the survey and the preparation of this report. Without his encouragement, sympathy, and suggestions, this Honors Project could not have been completed.

Muncie retailers interviewed during this survey were very cooperative. Some doubts were held initially by this writer about the manner in which the shop owners and managers might respond to questions concerning the Indiana Blue-Law. Any uncertainties were quickly dispelled, however, as the survey progressed. With the exception of one shop owner who gave a "no comment" reply, all were anxious to state their opinions. Some of those interviewed made additional comments beyond those listed on the questionnaire. A few were even more friendly and insisted on sitting down and telling the interviewer their business philosophy.

Responses of Muncie churches exceeded the number which was expected from mailed questionnaires. Several churches replied at length to the questions. The mail-returns from the pastors indicated a general desire to be helpful and a genuine interest in the subject of Sunday closing of businesses.

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## I - WHY WAS THIS SURVEY UNDERTAKEN?

In the summer of 1961, the Muncie Merchants Association conducted a campaign to bring agreement among the Muncie retailers to close their stores on Sunday. This drive was unsuccessful. One year later, a new discount department store (Welles) opened its doors in Muncie. This store advertised the fact that it is open seven days a week. With the open support of the Muncie Merchants Association, a new Sunday-closing Bill was introduced in 1963 in the Indiana House of Representatives. However, this bill was never considered by the House. In view of these recent developments, the following questions may be formulated:

What is the current spectrum of opinions of Muncie retailers in regard to the present Indiana Sunday-closing law?

On what grounds do retailers consider the Sunday-closing law necessary?

Is there a concensus among Muncie churches in regard to the necessity or desirability of the present Indiana Sunday-closing law, or do they believe that it has become a tool of competition used by the business world?

It is believed that any future support for Sunday-closing legislation in the Indiana General Assembly; that any future drive or campaign by groups of merchants; and that any consideration of support or assistance to these groups by the churches, could be assisted by a report answering the above questions.

## II - BLUE LAWS--OLD AND NEW, GENERAL AND LOCAL

### A. History of and Opinions on Blue Laws

For the earliest mention of a Sunday law, one must go back to the year 321 A.D. when the Roman Emperor Constantine decreed that all citizens would rest on the Sun Day.<sup>1</sup> Records indicate that the first Sunday law in the United States was enacted by Virginia in 1610. This law required attendance at church.<sup>2</sup> The term "Blue Law" has become synonymous with any law that requires or prohibits certain activities on Sunday. Richard Cohen sets forth one theory for the origin of this term: The laws of Connecticut concerned with Sunday activities were written in blue-bound books.<sup>3</sup> The laws of that State date from the 1780's. Blue laws have been defined as: "Certain laws of extreme rigor enacted in the early days of New Haven colony; hence any puritanical laws."<sup>4</sup>

Leo Pfeffer has commented on the change in the manner in which the blue laws are viewed. "The primary purpose of such laws," he said, "was to insure attendance at church."<sup>5</sup> Most of these laws contain exceptions to their applicability for those trades and labors that are considered "essential." He pointed out the inconsistencies in the New York State law in that the ". . . amendments were based not on necessity or desirability of the exempted trade, but on the lobbying power of the pressure

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<sup>1</sup>Richard Cohen, Sunday in the Sixties. Public Affairs Pamphlets, 1962, p. 2.

<sup>2</sup>Ibid., p. 5.

<sup>3</sup>Ibid., p. 1.

<sup>4</sup>Webster's New Collegiate Dictionary, Second Edition. G. & C. Merriam Company, 1953, p. 94.

<sup>5</sup>Leo Pfeffer, Church, State and Freedom. The Beacon Press, 1953, p. 229.

group seeking the particular amendment."<sup>6</sup> Some decisions of the New York courts were cited by Mr. Pfeffer in which the courts stated that their opinions were based on the power of a State to enforce a day of rest. And he concluded that the courts and legislatures in the Twentieth Century must recognize, ". . . that people should voluntarily obey religious regulations and not look to the coercive arm of the secular government to insure adherence to sectarian tenets."<sup>7</sup> On the subject of church influence on legislation, the author added:

Interest in Sunday laws and their enforcement has dropped to secondary importance in the Protestant hierarchy of interests. The Catholic Church has become the new champion. . . . A law to exempt Jews and Seventh Day Adventist merchants from the New York law on Sunday observance, as long as they observed one day, was defeated by opposition of the Catholic church.<sup>8</sup>

Richard Cohen wrote that The Protestants and Other Americans United for Separation of Church and State (POAU) are disturbed by the fact that, ". . . if government can prescribe when people are to worship, can it also prescribe how they are to worship? . . . With Sunday commercial activity becoming big business and with road-side discount house operations posing a major competitive threat to downtown and suburban stores . . . the country's powerful retail interests developed a sudden interest in Sunday legislation."<sup>9</sup> The Suburban Merchants Association of New Jersey, Mr. Cohen further reported, ". . . insisted that the issue was an economic

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<sup>6</sup>Ibid., p. 234.

<sup>7</sup>Ibid., p. 241.

<sup>8</sup>Leo Pfeffer, Creeds in Competition. Harper and Brothers, 1958, pp. 110-111.

<sup>9</sup>Cohen, op. cit., pp. 9, 10-11.

one that had nothing to do either with the sensibilities of the religious majority or the way people have gotten used to working, worshipping, and whiling away their time on Sunday."<sup>10</sup>

The influence of Calvin in America was commented on, in 1926, by Everett W. Lord:

. . . society, acting through an omnipotent clergy, undertook the regulation of many details of individual conduct which we today consider wholly the concern of the individual. The so-called "Blue Laws" of the various colonies, requiring church membership and attendance and forbidding scores of actions which to us seem entirely proper, were a natural outcome. And, as always when morality is imposed from without, hypocrisy was rampant."<sup>11</sup>

Relations between church and business have been commented upon by both Edward Westermarck and George Miller Calhoun. The former said: ". . . the influence of Christianity on economics has collapsed."<sup>12</sup> The latter stated: "The burden of responsibility that once rested mainly upon the leaders of church or state has now been transferred in large part to the broad shoulders of the captain [sic] of industry."<sup>13</sup>

Alvin W. Johnson and Frank H. Yost jointly wrote in 1948: "In some cases the question (of Sunday laws) has been referred to the people. Invariably where they are given the opportunity to vote on the question, the Sunday laws have been relegated to the limbo of the bygone days."<sup>14</sup>

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<sup>10</sup>Ibid., pp. 11-12.

<sup>11</sup>Everett W. Lord, The Fundamentals of Business Ethics. The Ronald Press Company, 1926, p. 34.

<sup>12</sup>Edward Westermarck, Christianity and Morals. The MacMillan Company, 1939, p. 281.

<sup>13</sup>George Miller Calhoun, The Ancient Greeks and the Evolution of Standards in Business. Houghton Mifflin Company, 1926, p. 3.

<sup>14</sup>Alvin W. Johnson and Frank H. Yost, Separation of Church and State in the U.S. University of Minnesota Press, 1948, p. 250.

They gave as an example the vote of the people of Oregon. A large majority of the voters repealed the Sunday laws of Oregon by public referendum in November, 1916.<sup>15</sup>

In their marketing textbook, Charles F. Phillips and Delbert J. Duncan stated that one of the trends in current retail practices is ". . . toward Sunday and night shopping hours, a trend which is part cause and part result of another factor--family shopping."<sup>16</sup> They also noted that "The Super Market Industry Speaks: 1958" stated that 51 per cent of supermarkets are open every evening and 24 per cent are open on Sunday.

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<sup>15</sup>Ibid.

<sup>16</sup> Charles F. Phillips and Delbert J. Duncan, Marketing: Principles and Methods. Richard D. Irwin, Inc., 1960, p. 132.

B. Blue Laws in Indiana

Indiana first enacted legislation in connection with activities on Sunday in 1905. This law, modified by amendments in 1909 and in 1941 is quoted below:

Sec. 10-4301 Sabbath breaking--Sunday Baseball--Ice Hockey. Whoever being over fourteen (14) years of age is found on the first day of the week, commonly called Sunday, rioting, hunting, quarreling, at common labor, or engaged in his usual vocation, works of charity and necessity only excepted, shall be fined not less than one dollar (\$1.00), nor more than ten dollars (\$10.00); but nothing herein contained shall be construed to affect such as conscientiously observe the seventh day of the week as the Sabbath, travelers, and those engaged in conveying them, families removing, keepers of toll bridges and toll gates, ferrymen acting as such and persons engaged in the publication and distribution of news, or persons engaged in the playing the game of baseball or ice hockey after one o'clock P.M. and not less than one thousand (1,000) feet distant from any established house of worship or permanent church structure used for religious services, or any public hospital or private hospital erected prior to the passage of this act.

Title of Act of 1905 reads "An Act concerning public offenses." in Force April 15, 1905.

Amendments:

The 1909 amendment added the provision of baseball playing. The 1941 amendment deleted fishing from the list of occupations prohibited on Sunday--and added the words ice hockey after baseball.<sup>17</sup>

This existing law contains many generalities. Both those persons who believe in the intent of the law and those who want it repealed agree that this 1905 law to be unenforceable due to its indefinite provisions. For this reason, few enforcement attempts have resulted.

In a letter of August 7, 1963, to this writer, Mr. Russell W. Smith, Director of the Indiana Legislative Bureau, stated:

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<sup>17</sup>Harrison Burns (Editor), Annotated Indiana Statutes, Vol. 4, Part 2. The Bobbs-Merrill Co. Inc., 1956, pp. 687-8.

The most recently enacted Sunday closing legislation was Chapter 222 of the Acts of 1957. This law provides that motor vehicle retail dealers close their establishments on Sunday. This bill was sponsored through the General Assembly by the Indiana Automobile Dealers Association. Its constitutionality was upheld by the Supreme Court in Tinder v. Clarke Auto Co., 238 Ind. 302, 149 N.E. (2d) 808.<sup>18</sup>

A Sunday-Closing bill was introduced in 1963 in the Indiana House of Representatives as House Bill No. 1321. When queried by this writer, Messrs. Russel W. Smith, Director of the Indiana Legislative Bureau;<sup>19</sup> Fred Hinshaw, a representative in the House;<sup>20</sup> and Charles B. Van Nuys, Executive Vice President of the Indiana Retail Council, Inc.,<sup>21</sup> report that this bill was referred to the Public Policy Committee, but that it was never reported out of committee.<sup>22</sup> Mr. Van Nuys stated: "It was our Council that researched and introduced in the 93rd General Assembly . . . a Sunday Closing Legislative bill."<sup>23</sup> The theme of the Council's presentation, he added, was that the bill ". . . is an economic necessity and [it is] in the general interest of the state that new ground rules be specified so that the retailers of the state will know exactly what can and can not be sold as 'necessities' on Sundays."<sup>24</sup> This thesis assumes a Sunday-closing law to be desirable and necessary, and then moves on to work out the rules for the administration of such a law.

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<sup>18</sup>Excerpts from this Statute appear in Appendix A, p. 38.

<sup>19</sup>In his letter of August 7, 1963, to this writer.

<sup>20</sup>In a telephone conversation on October 17, 1963, with this writer.

<sup>21</sup>In his letter of October 24, 1963, to this writer.

<sup>22</sup>Excerpts from this proposed bill appear in Appendix B, pp. 39-41.

<sup>23</sup>In his letter of October 24, 1963, to this writer.

<sup>24</sup>Ibid.

The campaign for the enactment of this new legislation, continued  
Mr. Van Nuys,

. . . had the backing of many local chambers of commerce and downtown merchant's associations in the legislative push on the bill and there was evidence that several religious organizations were favorable to its enactment. However, we did not make an active campaign to get church endorsement of the bill. We did not wish to inject the matter of religion into the bill because as it was introduced the bill did not provide for anyone to open a store on a Sunday because of his religious faith if he observed another day of the week as his day of rest. We were agreeable to this amendment being made to the bill but the bill was not introduced with that provision in it because we did not want to be accused of injecting any aspect of religion into it.<sup>25</sup>

In addition, a brochure which was prepared to promote the bill states:

The Indiana Retail Council, other organizations and most responsible local merchants have long encouraged Sunday closing--on a voluntary basis. But a growing number of stores are refusing to cooperate. Apparently they are interested only in immediate profits.<sup>26</sup>

Can the Council's statement that it did not want to "inject any aspect of religion" be taken seriously? The provision of the proposed law restricting the day of rest to Sunday and its failure to provide for any other day of the week as a day of rest automatically becomes a religious matter. The word "they" in the above quoted part of the brochure can only be read as "those whose religious beliefs do not include the observance of Sunday as a day of rest." Even the provisions of the present 1905 law exclude those who "conscientiously observe the seventh day of the week as the Sabbath."

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<sup>25</sup>Ibid.

<sup>26</sup>Indiana Retail Council, Inc., Keep Sunday a Family Day.  
Undated.

The legislation proposed by the Council required that certain retailers would remain closed regardless of the religious beliefs of such merchants. Thus, a retailer who normally observes a day other than Sunday as his day of worship and rest, and closes his store on that day would remain closed two days a week. He would then suffer competitively merely because of his religious belief. The Council should reexamine its goals.

C. Blue Laws in Muncie--1961-63.

The Muncie Merchants Association was one of the participating groups in the movement attempting to enact Sunday-closing legislation in Indiana. It conducted a campaign of its own, August through October, 1961, to close most retail stores on Sunday. Half-page advertisements appeared in the Muncie Star on July 25 and 31, and the same advertisement was found in the Muncie Press on July 24 and August 1.<sup>27</sup> Miniatures of this half-page display also appeared from time to time during this three-months period. All of these newspaper insertions contained a coupon-ballot (Figure I) which could be clipped out, filled in, and mailed to the Muncie Merchants Association.

To: Muncie Merchants Association Muncie, Indiana	
<input type="checkbox"/>	I agree that stores should be closed on Sunday
Name	_____
Address	_____
Comments	_____
	_____

Figure I--Coupon-ballot used by Muncie Merchants Association in their Campaign for Sunday Closing.

In addition to these appeals in the local press, various retailers who were supporting this program displayed in their stores 11" x 14" placards which advocated Sunday closing.<sup>28</sup> Near each placard was a supply of ballots which shoppers could use to "vote" for Sunday closing. These ballots were similar in design to the coupons which appeared in the local newspapers.

<sup>27</sup>A sample of this advertisement appears in Appendix C, p. 42.

<sup>28</sup>A sample of this placard appears in Appendix D, p. 43.

The complete file of materials which resulted from this campaign was examined by this writer at the Muncie Chamber of Commerce Building. The file contains copies of the advertisements, letters from individuals and organizations, and a tabulation of answers found on the coupons which had been forwarded in response to the newspaper advertisements and to the placards in the stores. The tabulation totaled 2,468 "votes" for closing and only 130 "votes" against the closing proposal.

An examination of the promotion material clearly indicates the reasons for this overwhelming majority in favor of closing on Sundays. The coupon-ballots contained only a space for voting FOR Sunday closing. (See Figure I, p. 10) To vote otherwise, a person had to write in under the comments section. Another explanation for the voting was displayed in the newspaper advertisements; they stated:

Sunday--in the American tradition--should be a day of rest and recreation with family and friends--a breather from the bustle of pressure and routine. All stores selling general merchandise should close on Sunday. Business as usual on Sunday is unwholesome for the Community socially and economically.

This appeal is highly charged with emotion in connection with "Americanism," and the community. To vote against the proposed Sunday closing would be to vote simultaneously against "Americanism" and for an unwholesome community, an act from which any decent Muncie citizen would obviously shrink. It is not at all surprising that the final tabulation was so one-sided. It is felt that the results are of slight value; it is obvious that the answers obtained were exactly those intended.

Many letters were received by the Muncie Merchants Association at the time of its campaign. In addition, several copies of the weekly church bulletin from the St. Lawrence Catholic Church were among the papers on file. One paragraph in this bulletin mentioned the campaign

of the Association and urged all members to write letters in support of Sunday closing. A letter from the Delaware County Ministerial Association stated, ". . . to best of our ability we are supporting you." No mention was made of the kind of support that might be expected.

Although not necessarily representative of the total accumulation of letters from private citizens, the following excerpts from such letters tend to give some of their general "flavor."

How our Puritan forefathers would cringe. Could they but come back and protest the way we have forsaken so many of the principals [sic] on which they builded [sic] America. . . I personally intend to spread the word around and attempt to get many others to sign this seven day business week out of existence.

We would like to see this accomplished in America, as I feel it is the best insurance against Communism we can do [sic]. Honor our God, and benefit ourselves as he intended for us.

It used to be that the factory worker had to work longer hours. Now they have shorter hours, yet the merchant has longer hours. It doesn't make sense.

Mr. Krug, who was President of the Muncie Merchants Association at the time of its campaign, indicated in an interview with this writer that the Association had all of the downtown and the shopping center retailers in agreement on Sunday closing except for the large discount houses. At that time the Miracle Mart was the largest discount house in the city. Of course, since then the Welles Discount Department Store has come to Muncie.

The various members of the Association were assessed a fee to support this campaign. On the basis of the amount of newspaper space used and other printed matter involved, one may conclude that the entire campaign cost several thousand dollars. Unless the Association had

hoped to utilize the impressive number of votes for closing to justify to the public any possible future Sunday-closing agreement among the retailers, the reasons for this considerable expense are not clear. One comment on the costs involved in this drive was typical of many that were heard (while this writer was interviewing Muncie retailers) in response to a question as to whether the retailer would support any future campaigns. The manager of Sears, Roebuck and Company stated that it had cost a lot of money, and that they certainly would not make any future expenditures unless the results were much more promising than those of the past campaign.

## III--METHOD OF CONDUCTING THE SURVEY

A. General

In an effort to obtain answers to the questions raised in Section I of this report<sup>29</sup> a survey was made of the opinions of Muncie retailers, churches, citizens, labor unions, and three large chain retailers. The coverage made of the first two groups is considered sufficient to be valid. The returns of the survey of Muncie citizens were only 12% (12 replies from 100 questionnaires) and are considered to be insufficient for any definite conclusions; however, a tabulation of results is included for information. The survey of the labor unions was disappointing. Only three unions replied; questionnaires were mailed to 17. One explanation for the failure of one to reply was suggested to this writer by the Secretary of the Musicians Union, Local 245. He gave two reasons why a reply should not be expected from their office: first, it was difficult to obtain a concensus among the membership; and furthermore, the union receives so many requests for information that it seldom answers any. One recent request, he added, had been received from a person whose return address was in Texas. The results of the labor union survey, however, are included in this report for information.

B. Retailers

The downtown and the shopping-center retailers were personally interviewed during the summer months of 1963.<sup>30</sup> Either the owner or the manager was contacted in each instance. The selection of retailers to

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<sup>29</sup>See page 1.

<sup>30</sup>A copy of the questionnaire used by the interviewer appears in Appendix E, p. 44.

be interviewed was determined in such a manner as to assure maximum random sampling. It had been decided that valid results could be obtained if one out of each three retail stores was consulted. The northwest corner of each city block of the business district was defined as the starting point for that block. Of the numbers one through three, the first was chosen at random. Consequently, the first store, commencing at said corner, was selected and then every third one thereafter. Each block was circled in a clockwise direction. Stores other than retailers, such as professional offices, bars, hotels, and service businesses, were omitted in the count. In the case of the shopping centers, the selection of one out of three was maintained by contacting the first store upon entering the center and then proceeding straight down the line of shops. This survey was restricted to these concentrations of stores; those in relatively isolated locations were not considered since it was felt that the selection could not be controlled.

### C. Churches

A listing of the Muncie Area Churches that appeared in a Saturday issue of the Muncie Evening Press was used to select those churches to be included in this survey. The first church listed under each denomination was chosen arbitrarily. It was felt that possible variations in opinions resulting from the selection of the "second" rather than the "first" church in each category would be negligible. In those instances where the first church listed was situated outside of the city, the second one was chosen. A covering letter accompanied the questionnaire that was mailed to each of the 25 selected churches.<sup>31</sup>

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<sup>31</sup>A copy of the letter and the questionnaire appears in Appendixes G and H, pp. 47-48.

#### D. Muncie Citizens

A map of the city of Muncie was divided into four sections by drawing a line north and south along Madison Avenue and east and west along Jackson Street. Equal numbers of questionnaires with post-card replies were mailed to each quarter of the city. The names of the residents were selected at random from the city telephone book so that the addresses would be approximately evenly distributed throughout the city. The questionnaires which were mailed totaled 100.<sup>32</sup>

#### E. Labor Unions

The city telephone book was used to compile a list of 17 labor union locals in Muncie. A questionnaire and a stamped-return envelope was forwarded with a letter to each union on this list.<sup>33</sup>

#### F. Three Large Chain Retailers

Letters were sent to the home offices of three chain stores which have branches throughout the nation. A questionnaire was not included with these letters; instead, a request was made for general information concerning the company's policies in regard to Sunday closings.<sup>34</sup> The three retailers selected were Sears, Roebuck, and Company; Montgomery Ward and Company; and, J. C. Penney Company, Inc.

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<sup>32</sup>A copy of the letter and the post-card questionnaire appears in Appendixes J and K, pp. 50-51.

<sup>33</sup>A copy of the letter and the questionnaire appears in Appendixes M and N, pp. 53-54.

<sup>34</sup>A copy of the letter appears in Appendix P, p. 56.

## IV--RESULTS OF THIS SURVEY

A. Retailers

The first question<sup>35</sup> put to each retailer by the interviewer was: "Are you aware that Indiana has a law prohibiting non-essential or non-charity work on Sunday?" Only one of the 46 gave a negative answer to this question. This one answer was qualified, however, by a statement that he was not familiar with the actual wording although he thought there might be such a law.

In answer to the question: "Do you believe this law should be enforced?" e.g., should retailers be closed on Sunday, 41 answered in the affirmative (see Figure II below). Of the five who believed the law should not be enforced, two were discount stores, one was a food super market, and two were sole proprietorships. The latter two stated that they did not believe in any laws to regulate store hours or days. If the man across or down the street wanted to remain open on Sundays, these two managers added, then that was his privilege; any such decisions should be left up to the individual storekeeper.



Yes  (41)  
 No  (5)

Figure II--Answers of Muncie Retailers to the Question: Do you believe the present Sunday-closing Law Should be Enforced?

Considering only the 41 who believed that the present law should be enforced, it was found that 12 had given during the past two years some public support for enforcement; such aid had not been contributed

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<sup>35</sup>A copy of the complete questionnaire appears in Appendix E, p. 44; a summary of all answers appears in Appendix F, pp. 45-46.

by the other 29 stores (see Figure III, below). In most cases, this help had consisted of participation in the 1961 campaign by the Muncie Merchants Association. Of the five who were against the enforcement of the law, four had given no backing for its repeal; however, Welles Discount Department Store indicated that it had encouraged repeal.

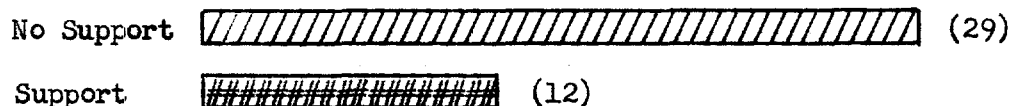
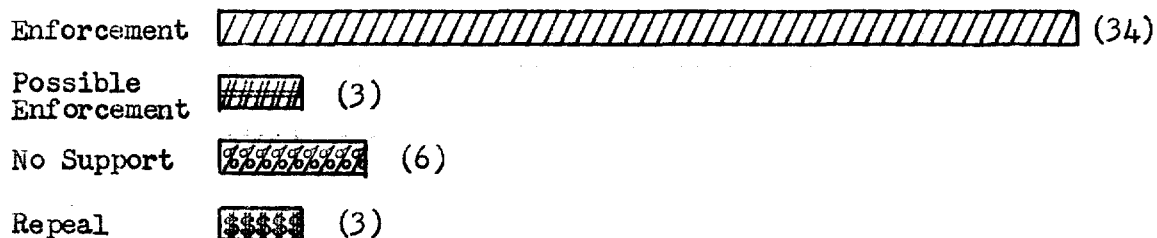


Figure III--The replies of the 41 retailers (who had indicated they favored enforcement of the present law) when asked if they had publicly supported such enforcement during the past two years.

The results of the question: "If asked now, would your business support its enforcement or repeal?" are shown by the upper bar graph in Figure IV, below. The lower bar graph indicates the kind of support which had been given during the past two years by the entire group.

Now or in the Future



During the Past Two Years

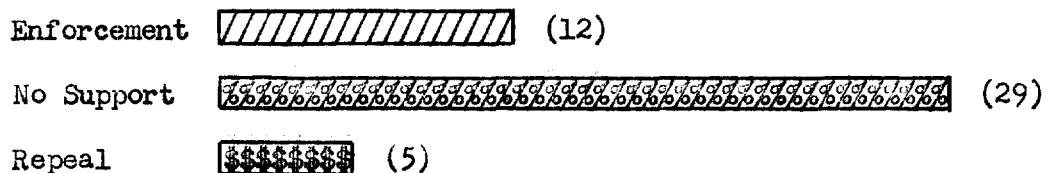


Figure IV--The kind of support by Muncie retailers which would now or in the future be given (either for enforcement or for repeal), and the kind that was given during the past two years.

These two bar graphs in Figure IV clearly indicate that there has been a great change in sentiment during the past two years. Many more retailers would now be willing to aid in any future campaign to enforce Sunday closings than the number which had given any help during the past two years. A similar shift of view has taken place in the churches.<sup>36</sup> During this period, the only significant event in the development of local retail competition which occurred was the opening of the Welles Discount Department Store. One may conclude that the retailers of Muncie now more fully recognize this store as a real competitive threat; and a renewed and more intense interest in the Indiana Sunday-closing law has been the result. The acknowledgement of this new competition was much in evidence during this writer's interviews with Muncie merchants. In the downtown area, the phrase "out there" was used in connection with a store that opens on Sunday. Specific inquiry as to the meaning of this phrase brought the answer "Welles." It appeared that even the name of the discount store was something to be avoided.

An awareness of this new competition also manifested itself in the Northwest Plaza Shopping Center. The variety store Grants is located in this shopping center, along with Welles. The manager of this variety store disclosed that prior to the opening of Welles his store had not been open on Sundays. But now, he added, his company had no choice if it wanted to remain in a competitive position. A second example was the chain store Moores. This manager there revealed that he was afraid his district supervisor would visit Muncie on a Sunday, would

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<sup>36</sup>See Figure XI, p. 28.

see the number of automobiles in the Welles parking lot, and would then order his store to open its doors also on Sunday.

On the basis of this shift in opinion, one may also conclude that the Muncie Merchants Association could gather more support for a new campaign today than that which was forthcoming during their 1961 drive. Any such program, of course, would have to culminate in sufficient lobbying power in the Indiana Legislature to assure passage of a bill similar to the one that was unsuccessful this year. Had the 1961 campaign by the Association been conducted one year later, it might have resulted in more lobbying power. At this later date, the local retailers would have been more aware of the competition of Welles. The drive, in addition, would have culminated just prior to the opening of the General Assembly in Indianapolis.

Figure V below shows the answers received in reply to the question: "Do you believe church attendance will increase if the Blue Laws are enforced?" The replies were approximately two to one against any anticipated increase in attendance. Figure VI shows the replies made by the churches in response to the same question. Negative replies totaled 9; affirmatives, 4; and "some increase," 4.

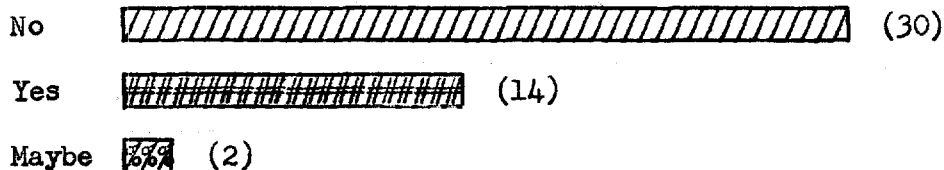


Figure V--The replies of 46 retailers to the question: "Do you believe church attendance will increase if the Blue Laws are enforced?"

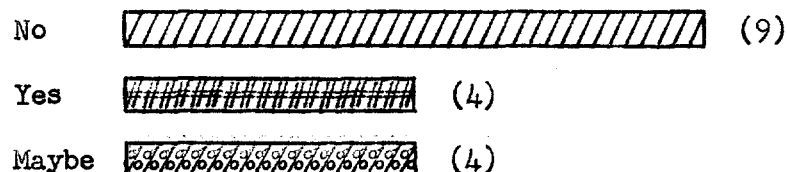


Figure VI--The replies of 17 churches to the question: "Do you believe church attendance will increase if the Blue Laws are enforced?"


These two foregoing Figures clearly reveal that an increase in attendance at divine services is expected by a smaller proportion of retailers than churches. One may speculate on the meaning of this difference. The churches may believe that any reduction of secular activity on Sunday will automatically result in some increase in church attendance. Many retailers, however, believe that such attendance would not be influenced. If the motives of the retailers for enforcement of the Sunday-closing law is not oriented to religion, they may believe the general welfare will be bettered. In his textbook on economics, Lloyd G. Reynolds commented on this view:


Consider finally the conflict of interest between each group of producers in the economy and the consuming public. Each producer group--the farmers, the steel producers, the retail druggists, and the rest--would really like to mulct consumers by charging a high price for their wares. Talk about "public service" is a thin veil for mercenary motives.<sup>37</sup>


Of all retailers interviewed, 29 believed no increase in law-enforcement facilities would be necessary to properly enforce the provisions of the Sunday-closing law (see Figure VII, p. 22). Affirmative answers were given by eight (one was a "maybe") who indicated they would support such an increase in facilities; no replies were made to this question by four, and negative answers were made by the remaining five. These two latter categories include those who did not favor enforcement. Most of those retailers who indicated that no increase in law-enforcement facilities would be necessary gave the same reason for their answer. "Extra police to check on the stores is not necessary," they said; "just make an example out of a few, and then all stores will close on Sunday."

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<sup>37</sup>Lloyd G. Reynolds, Economics: A General Introduction.  
Richard D. Irwin, Inc., 1963, p. 86.

Not Necessary  (29)

Yes  (8)

No  (5)


No Replies  (4)

Figure VII--Answers of 46 retailers to the question: "If you believe this law should be enforced, would you support an increase in law-enforcement facilities in order for this to be accomplished?"

Also, none are willing to see additional taxation to hire a few more policemen for enforcement. This reasoning, this writer believes, exemplifies the naiveté of the retailers. There must be a realization that the question of Sunday closings does not have any such simple answer.

The final question answered by the retailers was: "Has any professional or civic group of which you are a member recently made any statements in support or repeal of this law?" Either no statements had been made by those organizations to which 35 belonged or they were not members of any organizations. The Muncie Merchants Association or the Indiana Retailers Council accounted for the organizations that had made statements for enforcement which were mentioned by 11 retailers. These results show that there has been no great concern recently exhibited by business and civic organizations in Muncie. Apparently, the Muncie Merchants Association and the Indiana Retail Council, Inc., are the only organizations that have taken the responsibility to accomplish enforcement of the present law or the passage of a new one.

At the time of this survey of Muncie retailers in the summer of 1963, the new Welles Discount Department Store had been in operation in Muncie for approximately one year. In the foregoing section it was indicated that this store had disclosed that it had given support during

the past two years for repeal of the Indiana Sunday-closing law. During the interview, the manager of Welles said that the store was open on Sunday because people wanted to shop on Sundays. Shopping, he further pointed out, has now become a family affair and Sunday provides the only time in many cases when the family may shop together. This writer visited the parking lot of Welles at various times, including Sundays. The number of automobiles in the parking lot, usually from 30 to 50, and the number of families which were seen certainly confirmed the manager's statements.

The brochure<sup>38</sup> distributed by the Indiana Retail Council during its drive in support of a new Indiana Sunday-Closing Law<sup>39</sup> mentions the need and desirability of keeping Sunday a "family day." The Council states in the brochure, ". . . most . . . want to see Sunday kept as the traditional day of rest and recreation, a family day," and ". . . spend Sunday with our families. . . traditional day for rest and recreation, for visiting friends and relatives. . . ." Both the manager of Welles and the Indiana Retail Council agree that Sunday is a family affair. They disagree, obviously, on the activities in which the family should be involved.

The need for rest and recreation is often mentioned by those who advocate enforcement of the Sunday-closing law. Both the Indiana Retail Council and the Muncie Merchants Association emphasized this point during their campaigns. The use of Sunday as a day of rest only

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<sup>38</sup>Indiana Retail Council, Inc., Keep Sunday a Family Day. Undated

<sup>39</sup>House Bill No. 1321, Indiana General Assembly, 1963. Excerpts from this proposed bill appear in Appendix B, pp. 39-41.

may have been true several decades ago. Richard T. Gill stated: "In the 1870's the average standard work week in the United States was 67 hours. . . In 1958 it had fallen to 39.2 hours."<sup>40</sup> One may conclude that if Sunday is to remain a traditional day for rest, the average work week must remain at a "traditional" level. This writer believes that Sunday has become more of a family day since the work week has been reduced than when the number of hours worked was at a "traditional" level. The average worker now has more time to rest during the week; therefore, Sunday is not utilized only as a day of rest.

The officials of two Muncie financial institutions were interviewed-- one savings and loan association and one bank. As an institution, the former stated, his firm had not and would not take any position on Sunday closing by retailers. In addition, the latter pointed out that since its customers represented both views on Sunday closings, it could not take any specific position. The manager of one shopping center branch bank, however, offered a personal comment--the merchants downtown would have to get off of their backsides if they intended to compete and to survive.

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<sup>40</sup>Richard T. Gill, Economic Development: Past and Present. Prentice-Hall, Inc., 1963, p. 64.

B. Churches

There was a 68% response to the questionnaires mailed to the churches--17 out of 25.<sup>41</sup> Of these 17 who responded, 4 (or approximately 25%) stated that they were unaware of the existence of the Indiana Sunday-closing law. This percentage appears high if one considers the original intent of the law to have been encouragment of church attendance. This number may appear, however, to be average for citizens in general if such intent is no longer associated with the law. To this one might add the possibility that the representatives of these churches(the ministers) who replied to the questionnaires might be recent residents of Indiana.

Figure VIII presents the answers to the question whether or not the present Sunday-closing law should be enforced. Considering only the 17 churches which responded, approximately 70% were in favor of enforcing the law. This compares with 88% of the retailers who also favored enforcement.

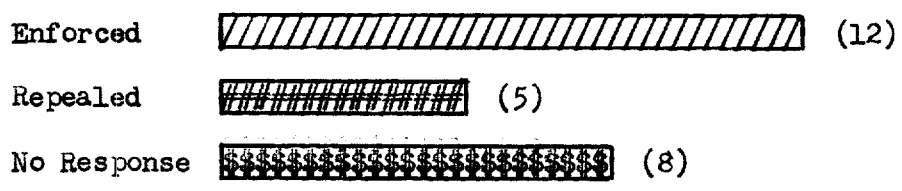


Figure VIII--Responses of 25 Muncie churches to the question of whether or not the present Sunday-closing law should be enforced.

The opinions of the 17 churches on the effect enforcement would have on church attendance are presented in Figure IX, page 26.

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<sup>41</sup>A copy of the questionnaire and forwarding letter appears in Appendixes G and H, pp. 47-48; a summary of all answers appears in Appendix I, p. 49.

Favored EnforcementYes  (4)No  (5)Some  (3)Favored RepealNo  (4)Some  (1)

Figure IX--The responses of 17 churches to the question: Would church attendance increase after enforcement of the law.

Some of the questionnaires which were returned by the churches contained comments by the pastors. In answer to the question about possible increased church attendance, the pastor of the West Side Church of Christ said:

No, I don't believe that people would be any more prone to attend church services. Most who do work on Sunday could be excused long enough to attend church services sometime during the day IF they want to go. Church attendance is not something that can be forced, and if it were forced, then it is doubtful in my mind as to its value. People must want to go to church and live right for it to be of value to them. If the law were enforced, and there were no businesses open, people would stay at home rather than go to church if they were going shopping on Sunday. I just don't see how that by having the law enforced the hearts of mankind would be changed.

Attendance would increase if the law were enforced, according to the pastor of the Grove Park United Brethren Church. He added:

Our church has in the past year suffered the absence of several members due to their occupations calling for Sunday work. I feel it is a weak excuse to say the Sunday work is necessary; not only does God dis-approve but it is bad for health, home, and business (In that the clerk is tired and disinterested). Many would regard our church as fanatical on this issue but, we approve of only emergency buying on Sunday.

The phrase "the clerk is tired and disinterested" in the above comments suggests the belief that those stores which are open on Sundays require their employees to work seven days a week. A small shop owner or manager may be required to work such a schedule in order to remain open on Sunday; a large department or discount store, however, employs sufficient numbers of clerks to enable the store to stagger the work days. A clerk in a large store should not be tired and disinterested-- at least not as a result of his working hours.




Of the five churches which favored repeal of the law, none had made any statements during the past two years for enforcement or repeal, nor had their national organizations done so. The view was expressed by two of these five that since the present law is very vague and not being enforced, it should be repealed. One of the two, however, said it would support an enforceable law. A third church, The Riverside Evangelical United Brethren, said it had urged its members not to buy on Sunday,

Inasmuch as Sunday and the Lord's Day in the light of the New Testament are interpreted as the same day and that Jesus Christ is the Lord of the whole day; we recommend that Christian People should keep this day Holy by refraining from commercialized social activities and unnecessary commercialized business.

In addition to the one church mentioned above that would support any future law that was enforceable, the remaining four of this group were split on their views about any future aid for repeal--two would help and two would offer no assistance.

Some of the 12 churches who favored enforcement of the present law had made statements during the past two years to support their view. Their views and those of their national organizations are shown in Figure X, page 28.

The Churches Which Supported Enforcement

Yes  (6)  
 No  (5)  
 No answer  (1)

National Organizations Which Supported Enforcement

Yes  (5)  
 No  (4)  
 (\*)  (3)

(\*) Question not answered or no national organization.

Figure X--The public support given during the past two years for enforcement of the law by those 12 churches which favored enforcement, and their national organizations.

The question about any future enforcement aid that might be expected from the 12 churches which favored enforcement brought replies which indicated a change in opinion. (See Figure XI, below.)




Yes  (9)  
 No  (2)  
 Mixed Feelings  (1)

Figure XI--Replies of 12 churches when asked if they would give any support in the future for the enforcement of the law.

Approximately half of these churches had aided in enforcement of the law in the past; however, 75% are now willing to offer such help. This change in view is similar to the change which occurred among the retailers; their willingness to aid in enforcement rose from 26% to 74%.<sup>42</sup> The conclusion, which was made earlier in this report, on this latter increase, was that the retailers of Muncie now recognize Welles as a competitive threat and have taken more interest in the Indiana Sunday-closing law.

<sup>42</sup>See Figure IV, p. 18.

One may speculate on the increase in the percentage of churches which would assist any future campaign for Sunday closing. Has the increased awareness by the retailers influenced the thinking of the churches? Are the churches now more aware of an increased secularization of Sunday since the arrival of the Welles Department Store? Some pastors may feel that they should always indicate a desire to assist in any drive to reduce the secularization of Sunday—especially when asked for their opinions in a questionnaire.

Three churches among those which favored enforcement of the present law would not now support enforcement. The Gethsemane Methodist stated it would have mixed feelings about any future help even though it had previously rendered assistance. While believing the present law should be enforced, the Memorial Friends Church said it would not give any help. It had publicly supported enforcement in the past, stated the First Presbyterian Church, but it would neither give aid now nor in the future.

### C. Muncie Citizens

From a total of 100 post-card questionnaires which were mailed to Muncie citizens, 12 were returned.<sup>43</sup> These replies show that 6 were in favor of enforcing the present Sunday-closing law and 6 were opposed to such enforcement. Church attendance would increase upon enforcement of the law, according to 4 replies; 8 expressed the opposite view.

None of these questionnaires were returned to this writer as being undeliverable by the U. S. Post Office. The small 12 per cent response may lead one to speculate that the Indiana Sunday-closing law is not a pressing subject with most citizens. However, the general public receives a great deal of promotional material and questionnaires, and this low response may have been due to a general indifference to all such mail.

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<sup>43</sup>A summary of these results appears in Appendix L, p. 52.

D. Labor Unions

Replies from 3 labor unions were received from a total of 17 to whom questionnaires were mailed.<sup>44</sup> One explanation for this low number of responses has already been suggested.<sup>45</sup> Two of these three favored repeal of the present Indiana Sunday-closing law. Public support neither for enforcement nor repeal had been given by any of these unions. The national organizations of the unions had made no statements in regard to Sunday-closing laws. Future support for repeal, however, could be expected from the Hod Carriers and Laborers Local 1112; Westinghouse Local 917 would assist in enforcement; the United Auto Workers of America, Local 287, anticipates offering no assistance. After enforcement of the law, church attendance would increase according to one union; however, two replied that an increase could not be expected.

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<sup>44</sup>A summary of these results appears in Appendix O, p. 55.

<sup>45</sup>See page 14.

### E. Three Large Chain Retailers

Montgomery Ward and Company replied to this writer's inquiry about its policy on Sunday sales by forwarding a copy of the remarks made by Mr. John A. Barr, Chairman, at the annual meeting of stockholders held on May 9, 1963. Mr. Barr said:<sup>46</sup>

The first [problem] is the question of whether retail stores should be kept open for the sale of general merchandise on Sundays. This is one of the most controversial issues and one of the major problems in retailing today.

In many markets, particularly in metropolitan areas which have no effective law to prevent it, a group of stores, generally of the highly promotional type, have adopted the practice of opening their doors for business on Sundays. This is a departure from the tradition of retailing in America, which has long recognized Sunday as a day of rest so far as the sale of general merchandise is concerned.

This is a move by these promotional stores to secure competitive advantage over the traditional chain and department stores which, in the main, continue to stay closed on Sundays.

We at Montgomery Ward do not favor the sale of general merchandise on Sundays, for several reasons.

. . . the welfare and happiness of our employees weigh heavily against opening our stores on Sundays.

. . . it will be more difficult to attract into our establishments the bright young people we all so sorely need, if retailing becomes a seven-day activity and Sunday just another business day.

Our country is a Christian nation, and Sunday is the recognized day of worship for this prevailing religion. We believe that the conversion of Sunday to "just another business day" would tend to weaken this observance, and this prospect is not attractive.

Wholly aside from religious considerations, however, we believe that the welfare of our society is best served by

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<sup>46</sup>These excerpts are from Mr. Barr's speech, a copy of which was forwarded to this writer on August 15, 1963, by the Public Relations Department of Montgomery Ward and Company, Chicago, Illinois.

having one day each week which is generally recognized as a "family day." We believe the family unit will be strengthened and we will be a happier people if there is one day when families can be together to do what they want to do with minimum commercial interference--and, again Sunday has come to be commonly accepted for this purpose.

This is a problem which can only be effectively controlled by law, and which must be settled, one way or the other, by the legislatures of the various states.

Montgomery Ward hopes to avoid opening its stores for business on Sunday and the company will continue to support legitimate efforts to secure legislation to prohibit this practice.

On the other hand, the management of your company cannot and will not sit idly by and lose sales to competitors in those areas where Sunday selling continues to be lawful. Sales are the source of profit for our stockholders and of jobs for our employees, and we are fully cognizant of our responsibility to protect both. We will be reluctant to open our stores on Sunday, but open them we will if competition forces such a step and if the sovereign people fail to take effective action through their representatives and senators in the legislature.

J. C. Penney Company, Inc., replied to a similar inquiry as follows:<sup>47</sup>

Our policy regarding Sunday business is quite simple. We have no stores open on Sunday and, at the present time, we have no plans for any stores to be open on Sunday. We have traditionally supported the concept of Sunday as a day of rest and recreation . . . a family day for our own associates. Many of our store managers have cooperated with community or state-wide merchants organizations which have worked for the preservation of Sunday as a uniform day of rest.

You asked if we joined with religious groups to achieve Sunday Closing. We have not done so, since we believe that this is a purely secular issue. It is up to each individual to determine in what manner a uniform day of rest and recreation should be spent.

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<sup>47</sup>In a letter to this writer on August 20, 1963, from the Civic Affairs Coordinator, J. C. Penney Company, Inc., New York, New York.

The third large chain retailer Sears, Roebuck and Company made the reply that:<sup>48</sup>

Sears is opposed to Sunday openings. We feel that our employes are entitled to have Sunday off. It seems to us that Sunday is a family day. However, we are watching the competitive situation closely and will review our policy if and when it becomes necessary.

On occasion, our Sears units joined with other groups, which included retailers and religious leaders, in campaigns to curtail the practice of Sunday openings.

These three retailers have been and are very much aware of the competition from the stores which are currently doing business on Sunday. Each quotation above contains references to "tradition." The spokesmen for these companies, in effect, said that their way of doing business is traditional with them and since they do not want to change, they want their tradition made into the law of the land. They do say, however, that if success is not achieved on the legal level, it is only on the basis of profits that any change in policy will be made. This is not to imply that these companies may not possess any of the humanistic thoughts expressed in the above quotations; however, it is clear that any such considerations would be waved to the side in any serious competitive situation.

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<sup>48</sup>In a letter to this writer on August 7, 1963, from the Sears Midwestern Territory Executive Offices, Chicago, Illinois.

## V--CONCLUSIONS

Since a large majority of the churches desire the 1905 Indiana Sunday-closing to be enforced and since at the same time a large majority foresee no increase in church attendance, one may conclude that the churches feel they should be in favor of any effort to reduce the secularization of Sunday, or that the thinking of the churches merely reflects the opinions of the retailers. If one assumes that the retailers are also leaders in their churches, this latter conclusion seems plausible. The retailers have much more to gain than the churches by the enforcement of the law. Most of the churches admit that they could expect little increase in attendance. Any assistance or support given to business by the churches to enforce Sunday closings may be viewed simply for what it is--knowing or sometimes unwitting assistance to the retailers--and any general welfare benefits would be secondary.

Many of the stores in Muncie are individually operated and have a staff of only a few people; consequently, they are in no position to remain open for business every day of the week. The larger stores with large staffs may, of course, stagger the working days of their employees to conform to a regular working week. Thus, the smaller retailers view any large store, discount or otherwise, which remains open on days when they themselves are closed, as a very real competitive threat. While some may rationalize that stores should be closed on Sundays for religious purposes or because this is the way it has been done in the past, it is the business competition that really concerns them.

Muncie is suffering from some of the results of a ferment in retailing that has been going on in the country for a number of years. This ferment is caused by the introduction of a number of new ways to retail goods. New, convenient, and large stores represent some of these ways; longer and different hours of operation are another. This country had a period of change in methods of retailing in the 1930's during the expansion period of the chain stores. In an effort to prevent their spread at that time, most States passed legislation which imposed extra taxes on these stores. Such laws were not successful.

The new Sunday-closing law<sup>49</sup> which was proposed by the Indiana Retail Council to the 1963 Indiana General Assembly plainly exposes the real desires of this group of retailers. The preamble of this suggested legislation said that "man's body and mind require one day of rest out of every seven," and further, "for the general welfare of the people it is necessary that the General Assembly fix and determine what day of each week shall be observed as a day of rest and recreation." This law would not apply, however, to those persons involved in the selling of items such as flowers, camera film, stationery, as well as all automotive petroleum products. Apparently, the body and mind of a person engaged in the retailing of these excepted items do not require one day of rest out of every seven. And further, it appears that the general welfare of the people is helped if a day of rest is not fixed for these people. The preamble of this legislation would have read more accurately: "for the general welfare of the retailers who are members of the Indiana Retail Council and who are opposed to Sunday openings of stores engaged

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<sup>49</sup> Excerpts from this proposed legislation appear in Appendix B, pp. 39-41.

in the retailing of the same merchandise as they are." In addition, "only the bodies and minds of those retailers who are members of the Indiana Retail Council and who oppose Sunday openings of their stores require one day of rest out of every seven."

This writer does not believe the question of store openings on Sunday can be solved by legislation. The retailers cannot hope to remain in a competitive position by reaching into past decades for a law which once had religious significance but no longer does, and then attempt to apply it to a competitive situation almost sixty years later. They must look at the present and plan for the future. The up-dating of stores, modern equipment, rearrangements of merchandise, reviews of profit margins, use of effective advertising, and efficient stock control are needed to remain competitive. Many must change their attitude-- that is, to cease being order-takers and to become sellers.

The thinking in Muncie does not differ appreciably from other sections of the country. Most small retailers are enduring the pains caused by changes in the methods of distributing goods. Muncie shop owners have also sought relief in the same manner which has been attempted in other parts of the country. Thus, Muncie is not different.

## APPENDIX A

EXCERPTS FROM CHAPTER 222 OF THE ACTS OF 1957, p. 490

AN ACT concerning the observance of the first day of the week, commonly called Sunday; providing penalties; and repealing all laws in conflict herewith.

WHEREAS, the Sunday closing of retail motor vehicle establishments will in no way affect, either directly or indirectly, the emergency physical or health requirements of the citizens of this state; and

WHEREAS, It is very doubtful if any person would suffer immediate injury to his health or physical well being if such motor vehicle establishments were required to be closed on Sunday; and

WHEREAS, It is a well known and accepted medical fact that it is detrimental and injurious to the health of individuals to require them to work seven days per week: Therefore

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

SEC. 2. Any individual motor vehicle retail dealer, any member of a partnership or a firm which operates a motor vehicle establishment, or any officer or director of a corporation which operates a motor vehicle establishment, or any agent or employee of such individual, partnership, firm or corporation, who shall carry on or engage in the business of buying, selling, exchanging, dealing or trading in new or used motor vehicles, or who shall open any motor vehicle retail establishment where he attempts to or does engage in the business of buying, selling, exchanging or trading in new or used motor vehicles, or who does buy, sell, exchange or trade in new or used motor vehicles, on the first day of the week, commonly called Sunday, is hereby declared to be a disorderly person. Any person so declared to be a disorderly person shall be guilty of a misdemeanor and, upon a first conviction, shall be liable to a fine of not to exceed one hundred dollars, to which may be added imprisonment for a determinate period of time of not to exceed ten days, or to both such fine and imprisonment; for a second offense, upon conviction, he shall be liable to a fine of not to exceed five hundred dollars, to which may be added imprisonment for a determinate period of time of not to exceed thirty days, or to both such fine and imprisonment; and for a third and each subsequent offense, upon conviction, he shall be liable to a fine of seven hundred and fifty dollars, to which may be added imprisonment for a determinate period of time of not to exceed six months, or to both such fine and imprisonment.

SEC. 4. Whereas an emergency exists for the more immediate taking effect of this act, the same shall be in full force and effect from and after July 1, 1957.

## APPENDIX B

EXCERPTS FROM THE PROPOSED INDIANA SUNDAY-CLOSING BILL--HOUSE BILL  
NUMBER 1321 OF 1963

A BILL FOR AN ACT concerning the observance of the first day of the week, commonly called Sunday, providing for its enforcement, and declaring an emergency.

WHEREAS, for many years the law has recognized that man's body and mind require one day of rest out of every seven (7) days for his physical and mental well-being; and

WHEREAS, for the general welfare of the people it is necessary that the General Assembly fix and determine what day of each week shall be observed as a day of rest and recreation; and

WHEREAS, it is reasonable that the day set apart for man's rest and recreation should concur with the day generally observed by most people as a day of rest and recreation;

THEREFORE, BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF INDIANA:

SECTION 1. This act shall be deemed an exercise of the police powers of the State, for the protection of the physical and mental health of the people, and the economic welfare of the State, and all provisions of this act shall be liberally construed for the accomplishment of such purposes.

SECTION 3. It shall be unlawful for any person to sell, dispose of, barter, or deal in any goods, wares or merchandise, or to cause, direct, or authorize another as his agent or employee to sell, dispose of, barter, or deal in any goods, wares or merchandise, at retail, on the first day of the week, commonly called Sunday.

SECTION 4. The provisions of section 3 of this act shall not apply to:

(A) Any sale made by any church, or any of its organizations, any duly constituted lodge, any labor union, any charitable organization, any fair association, any athletic, patriotic or historical society or association, during any bona fide picnic, fair, bazaar, or shooting match or athletic contest held by any of said organizations; or any sale made at any bona fide trade, labor, industrial or professional convention; or any sale made to the Federal Government or to the State of Indiana or any of its political subdivisions.

(B) Any sale of prescription materials, drugs, medicines or chemicals for the alleviation or cure of any human illness, injury, defect or disease, when made by any apothecary or pharmacy; nor to any sale by any person of drugs or chemicals used for the alleviation or cure of any illness, injury, defect or disease effecting any domestic fowl or animal.

## APPENDIX B

EXCERPTS FROM THE PROPOSED INDIANA SUNDAY-CLOSING BILL--HOUSE BILL  
NUMBER 1321 OF 1963 (CONTINUED)

(C) Sales of milk or dairy products; bread or bakery products; ice, ice cream, ices, soft drinks, candy or confectioneries; sale of prepared restaurant food for consumption on or off the premises; baby food, baby supplements, diapers, diaper covers, bottles, nipples or bibs; hospital supplies, surgical supplies, thermometers, sick room supplies, sanitary goods, non-prescription drugs, chemicals or patent medicines; cosmetics, shaving or grooming supplies; cooking, heating or lighting fuels; gasoline, coal oil, petroleum or petroleum products; automotive tires, batteries or accessories, additives, engine anti-freeze supplies, emergency repairs or replacement parts or equipment necessary to or safety devices intended for safe or efficient operation of land vehicles, boats and aircraft; flashlight bulbs or batteries therefore; plumbing, heating, cooling or electrical repairs or replacement parts or equipment when used exclusively in making emergency repairs; items for funeral or burial purposes; flowers, floral arrangements, flower containers; plants, trees, seeds, shrubs, fertilizers, lime, insecticides, peat moss and similar garden or lawn supplies; and grave markers or statuary or handicraft products.

(D) Any sale of tobacco, cigars, cigarettes, matches, lighters or lighter fluid, or smokers' supplies; newspapers, magazines, periodicals, books, maps, pamphlets, directories, guide books, picture postcards or photographs; antiques, novelties, or souvenirs customarily sold or awarded as prizes at places of amusement or historical significance; concession products when sold exclusively at places of public amusement or recreation; athletic, sporting, or recreational equipment accessories or supplies necessary to participate in athletic, sporting or recreational events or activities when sold at the site of such events; live or artificial bait; fishing tackle or equipment; camera film, flashbulbs or batteries; stationery or writing supplies.

(E) Any fruit, grain, vegetable or eggs grown, produced or harvested by the seller, or sold at a public roadside place which sells nothing but the products of the soil or farm herein enumerated.

(F) Isolated or occasional sales by persons not engaged in the business of selling tangible personal property subject to the provisions of this act.

SECTION 7. Any person violating the provisions of section 3 of this act shall be guilty of a misdemeanor, and upon a first conviction, shall be liable to a fine of not to exceed one hundred dollars (\$100.00), to which may be added imprisonment for a determinate period of time not to exceed ten (10) days, or to both such fine and imprisonment. For a second offense, upon conviction, he shall be liable to a fine of not to exceed five hundred dollars (\$500.00), to which may be added imprisonment for a determinate period of time not to exceed thirty (30) days,

## APPENDIX B

EXCERPTS FROM THE PROPOSED INDIANA SUNDAY-CLOSING BILL--HOUSE BILL  
NUMBER 1321 OF 1963 (CONTINUED)

or to both such fine and imprisonment; and for a third and each subsequent offense, upon conviction, he shall be liable to a fine of seven hundred fifty dollars (\$750.00), to which may be added imprisonment for a determinate period of time not to exceed six (6) months, or to both such fine and imprisonment. Each transaction had in violation of section 3 of this act shall constitute a separate offense.

SECTION 10. Whereas an emergency exists for the more immediate taking effect of this act, the same shall be in full force and effect on or after July 1, 1963.

## APPENDIX C

SAMPLE OF NEWSPAPER ADVERTISEMENT SPONSORED BY MUNCIE MERCHANTS ASSOCIATION IN SUPPORT OF SUNDAY CLOSING6 OUT OF 7 -- THAT'S ENOUGH

Sunday--in the American tradition--should be a day of rest and recreation with family and friends -- a breather from the bustle of pressure and routine.

All Stores selling general merchandise should close on Sunday.

Business as usual on Sunday is unwholesome for the Community socially and economically.

Tell us how you feel - - -

To:	Muncie Merchants Association Muncie, Indiana
<input type="checkbox"/>	I agree that stores should be closed on Sunday.
Name	_____
Address	_____
Comments	_____
	_____

## APPENDIX D

THE 11" X 14" PLACARD DISPLAYED IN MANY MUNCIE RETAIL STORES

<del> </del>	MON.	TUE.	WED.	THU.	FRI.	SAT.
--------------	------	------	------	------	------	------

6 OUT OF 7

THAT'S ENOUGH

. . . shopping days, we mean.

OUR STORE  
CLOSED ON  
SUNDAY

## APPENDIX E

QUESTIONNAIRE USED TO INTERVIEW MUNCIE RETAILERS

Type of business: Sole Proprietorship \_\_\_\_\_  
 Partnership \_\_\_\_\_  
 Corporation \_\_\_\_\_

1. Are you aware that Indiana has a law prohibiting non-essential or non-charity work on Sunday? Yes \_\_\_\_\_ No \_\_\_\_\_
2. Do you believe this law should be enforced? Yes \_\_\_\_\_ No \_\_\_\_\_  
 Be repealed? Yes \_\_\_\_\_ No \_\_\_\_\_
3. During the past two years, has your business publicly supported this law's enforcement \_\_\_\_\_ or repeal \_\_\_\_\_? No support \_\_\_\_\_.
4. If asked now, would your business support its enforcement \_\_\_\_\_ or repeal \_\_\_\_\_? No support either way \_\_\_\_\_.
5. Do you believe church attendance will increase if the Blue Laws are enforced? Yes \_\_\_\_\_ No \_\_\_\_\_
6. If you believe this law should be enforced, would you support an increase in law-enforcement facilities in order for this to be accomplished? Yes \_\_\_\_\_ No \_\_\_\_\_
7. Has any professional or civic group of which you are a member recently made any statements in support \_\_\_\_\_ or repeal \_\_\_\_\_ of this law? No statements \_\_\_\_\_.

Additional Comments:

## APPENDIX F

SUMMARY OF REPLIES TO THE QUESTIONNAIRE MADE BY 46 MUNCIE RETAILERS

Question Number (See Appendix E, p. 44)							***Type of
1	2	3	4	5	6	7	Business
Yes	Yes	None	E	Maybe	No	None	P
Yes	Yes	E	E	No	NN	None	C
Yes	Yes	None	E	No	No	None	S
Yes	*No	None	None	No	No	None	S
Yes	#Yes	E	E	No	NN	None	C
Yes	Yes	None	E	Yes	NN	None	C
Yes	Yes	None	E	Yes	NN	None	S
Yes	Yes	E	E	Yes	NN	None	C
Yes	Yes	E	E	Yes	Yes	None	S
Yes	Yes	E	Maybe	No	Maybe	None	C
Yes	Yes	None	E	Yes	Yes	None	C
Yes	*No	None	R	No	-	None	C
Yes	*No	None	R	No	-	None	P
Yes	Yes	None	E	No	-	None	C
Yes	Yes	None	E	Yes	NN	**	C
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	None	E	Yes	NN	None	C
Yes	Yes	E	E	No	Yes	**	C
Yes	Yes	E	E	Yes	Yes	**	S
Yes	Yes	None	E	Yes	Yes	None	C
Yes	Yes	None	E	Yes	NN	**	P
Yes	Yes	None	E	Yes	NN	**	S
Yes	Yes	None	None	Yes	NN	None	P
Yes	Yes	None	E	No	No	None	S
Yes	Yes	None	E	No	NN	None	S
Yes	Yes	None	E	No	NN	None	S
Yes	%No	R	R	No	-	None	C
Yes	Yes	None	None	No	NN	None	C
Yes	Yes	E	E	No	Yes	**	C
Yes	#Yes	E	Maybe	Yes	Yes	**	C

(Continued on following page)

- \* Believed there should be no law--each businessman should be left alone to do as he desires.
- \*\* Statements in support of the law were made by the Muncie Merchants Association or the Indiana Retailers Council of which this retailer is a member.
- \*\*\* S - Sole Proprietorship; P - Partnership; C - Corporation.
- # But believed that the present law should be replaced with a more practical and enforceable law.
- % Should be repealed.
- Questions No. 3 and 4--E - Enforcement; R - Repeal.
- Question No. 6--NN - Not Necessary.

## APPENDIX F

SUMMARY OF REPLIES TO THE QUESTIONNAIRE MADE BY 46 MUNCIE RETAILERS  
(CONTINUED)

1	2	3	4	5	6	7	***Type of Business
Yes	Yes	E	E	No	NN	None	C
Yes	Yes	None	E	No	NN	None	S
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	None	E	No	NN	None	S
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	E	E	No	NN	**	C
Yes	Yes	None	None	No	NN	None	S
Yes	Yes	None	E	Yes	NN	**	C
Yes	No	None	None	No	NN	None	C
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	None	None	No	NN	**	C
No	Yes	None	Maybe	No	NN	None	C
Yes	Yes	None	E	No	NN	None	C
Yes	Yes	E	E	Maybe	No	None	S

\* Believed there should be no law--each businessman should be left alone to do as he desires.

\*\* Statements in support of the law were made by the Muncie Merchants Association or the Indiana Retailers Council of which this retailer is a member.

\*\*\* S - Sole Proprietorship; P - Partnership; C - Corporation.

# But believed that the present law should be replaced with a more practical and enforceable law.

% Should be repealed.

Questions No. 3 and 4--E - Enforcement; R - Repeal.

Question No. 6--NN - Not Necessary.

## APPENDIX G

LETTER SENT TO MUNCIE CHURCHES WITH QUESTIONNAIRE

Dear Pastor

As a research project for the preparation of a paper at Ball State Teachers College, I have selected the subject of the Indiana Sunday-Closing Laws, or Blue Laws, as they are sometimes called. This study will cover the historical application of the laws and will include current opinion in Muncie. I want to include the voices of the retailers, churches, and labor unions; and especially the views of the (church name) are desired.

It will be greatly appreciated if I could obtain your answers to the questions enclosed, as well as any other comments you may desire to make. A self-addressed, stamped envelope is also enclosed for your convenience.

Very respectfully,

H. A. Howard

## APPENDIX H

QUESTIONNAIRE MAILED TO MUNCIE CHURCHES

1. Are you aware that Indiana has a law prohibiting non-essential or non-charity work on Sunday? Yes \_\_\_ No \_\_\_
2. Do you believe that this law should be enforced? Yes \_\_\_ No \_\_\_  
Be repealed? Yes \_\_\_ No \_\_\_
3. During the past two years, has your church publicly supported this law's enforcement \_\_\_ or repeal \_\_\_? No Support \_\_\_.
4. Has your national organization made any statements in support of enforcement \_\_\_ or repeal \_\_\_? No statements \_\_\_.
5. If asked now, would your church support enforcement \_\_\_ or repeal \_\_\_? No support either way \_\_\_.
6. Recent court decisions in the State of New York indicate that enforcement of the Blue Laws is no longer a matter of religion, but rather a matter coming under the right of a State to enforce laws for the general welfare of its citizens. Do you believe that such enforcement benefits the general welfare? Yes \_\_\_ No \_\_\_
7. Do you believe church attendance would increase if the Blue Laws were enforced? Yes \_\_\_ No \_\_\_

COMMENTS:

## APPENDIX I

SUMMARY OF ANSWERS OF 17 MUNCIE CHURCHES TO A MAILED QUESTIONNAIRE

Question Number (Refer to Appendix H, p. 48)						
1	2	3	4	5	6	7
Yes	R	None	None	R	No	No
No	R	None	None	R	No	No
Yes	R	None	None	E	Yes	No
Yes	E	E	None	E	Yes	No
Yes	E	E	E	**	Yes	Some
Yes	E	-	-	E	Yes	Yes
Yes	*E	None	None	*E	Yes	Some
Yes	E	None	None	None	Yes	No
Yes	E	E	E	E	Yes	Yes
No	E	None	-	E	Yes	Yes
No	E	None	-	E	Yes	No
Yes	E	E	E	E	No	Yes
Yes	E	E	None	None	No	No
No	E	None	E	E	Yes	Some
Yes	R	None	None	None	-	Some
Yes	R	None	None	None	Yes	No
Yes	E	E	E	E	Yes	No

\* Enforcement only in automotive and chain stores.

\*\* Mixed feelings

- Question not answered

E Enforcement

R Repeal

## APPENDIX J

LETTER SENT TO MUNCIE CITIZENS WITH QUESTIONNAIRE

June 11, 1963

Dear Fellow Muncie Citizen:

The present Indiana law prohibiting non-essential or non-charity labor on Sunday was originally enacted in 1905. Most of the other States have, or have had, similar, so-called "Blue Laws." Over the years, Indiana's law, as well as the laws in the other States, have been the subject of many debates. In an attempt to obtain the current views of the citizens of Muncie, I am conducting a survey by sending questionnaires to people chosen at random.

It will be greatly appreciated if you would check your answers on the enclosed postcard and drop it in the mail.

Many thanks,

H. A. Howard  
1406 Linden Avenue  
Muncie, Indiana

## APPENDIX K

QUESTIONS LISTED ON THE POSTCARD WHICH WAS MAILED TO MUNCIE CITIZENS

1. Are you aware that Indiana has a law prohibiting non-essential or non-charity labor on Sunday? Yes \_\_\_ No \_\_\_
2. Are you in favor of enforcement of this law? Yes \_\_\_ No \_\_\_
3. Its repeal? Yes \_\_\_ No \_\_\_
4. Male \_\_\_ Female \_\_\_
5. Employee \_\_\_ Management \_\_\_ Own Business \_\_\_ Self-employed \_\_\_
6. Roman Catholic \_\_\_ Protestant \_\_\_ Other \_\_\_
7. If your church has made any statements concerning the present law, were they for \_\_\_ or against \_\_\_? None \_\_\_
8. Do you believe enforcement of the present law would increase church attendance? Yes \_\_\_ No \_\_\_
9. If you believe this law should be enforced, would you approve an increase in law-enforcement facilities to accomplish this? Yes \_\_\_ No \_\_\_
10. If your place of employment, business, or professional group has made any statements concerning the present law, were they for \_\_\_ or against \_\_\_? No statements \_\_\_.

## APPENDIX L

SUMMARY OF POSTCARD REPLIES FROM TWELVE MUNCIE CITIZENS

Question Number (See Appendix K, p. 51)									
1	2	3	4	5	6	7	8	9	10
Yes	No	Yes	F	E	P	None	No	No	Against
Yes	No	Yes	M	O	P	None	No	-	None
No	No	Yes	M-F	E	P	None	No	-	None
Yes	No	Yes	M	E	P	For	No	No	None
Yes	No	Yes	M	E	P	None	No	No	None
No	Yes	No	F	O	P	-	Yes	Yes	Against
No	Yes	-	M	E	O	None	Yes	No	None
Yes	Yes	-	M	S	P	-	No	No	None
Yes	Yes	No	M	E	P	For	Yes	Yes	None
-	No	Yes	-	-	P	None	No	No	None
Yes	Yes	No	M-F	E	P	None	No	Yes	None
Yes	Yes	Yes	M	E	P	Against	Yes	Yes	None

Question No. 4

M - Male  
F - Female

Question No. 5

E - Employee  
O - Own Business  
S - Self-employed

Question No. 6

P - Protestant  
C - Catholic  
O - Other

## APPENDIX M

THE LETTER FORWARDED TO 17 LABOR UNIONS IN MUNCIE

The Secretary  
(Name of Union)

Dear Sir:

As a research project for the preparation of a paper at Ball State Teachers College, I have selected the subject of the Indiana Sunday-closing Laws, or Blue Laws, as they are sometimes called. This study will cover the historical application of the laws and will include current opinion in Muncie. I want to include the voices of the retailers, labor unions, churches, and political parties; and especially the views of (name of union) are desired.

It will be greatly appreciated if I could obtain your answers to the questions enclosed, as well as any other comments you may desire to make. A self-addressed, stamped envelope is also enclosed for your convenience.

Very truly yours,

H. A. Howard

Encl - 2

## APPENDIX N

THE QUESTIONNAIRE MAILED TO 17 MUNCIE LABOR UNIONS

1. Are you aware that Indiana has a law prohibiting non-essential or non-charity work on Sunday? Yes \_\_\_ No \_\_\_
2. Do you believe that this law should be enforced? Yes \_\_\_ No \_\_\_  
Be repealed? Yes \_\_\_ No \_\_\_
3. During the past two years, has your organization publicly supported this law's enforcement \_\_\_ or repeal \_\_\_? No support \_\_\_.
4. Has your national organization made any statements in support of enforcement \_\_\_ or repeal \_\_\_? No statements \_\_\_.
5. If asked now, would your organization support enforcement \_\_\_ or repeal \_\_\_? No support either way \_\_\_.
6. Recent court decisions in the State of New York indicate that enforcement of the Blue Laws is no longer a matter of religion, but rather a matter coming under the right of a State to enforce laws for the general welfare of its citizens. Do you believe that such enforcement benefits the general welfare? Yes \_\_\_ No \_\_\_.
7. Do you believe church attendance would increase if the Blue Laws were enforced? Yes \_\_\_ No \_\_\_

ADDITIONAL COMMENTS:

## APPENDIX O

SUMMARY OF REPLIES TO A QUESTIONNAIRE MADE BY THREE LABOR UNIONS

Question Number (See Appendix N, p. 54)						
1	2	3	4	5	6	7
Yes	*R	None	None	R	No	No
Yes	E	None	None	E	Yes	Yes
Yes	R	None	--	None	No	No

\* Although both enforcement and repeal were checked on the questionnaire, the answer of "Repeal" is shown since the answer to question No. 5 indicates repeal.

E - Enforcement

R - Repeal

-- - Question not answered

## APPENDIX P

THE LETTER WHICH WAS SENT TO THREE LARGE CHAIN RETAILERS

August 9, 1963

Gentlemen:

As a research project for the preparation of a student paper at Ball State Teachers College, Muncie, I have selected the subject of the Indiana Sunday-Closing Laws, or Blue Laws, as they are sometimes called. The major portion of this study will cover the historical application of the laws and will include current opinion in Muncie. The latter is currently being obtained by interviewing individual retailers in the downtown area as well as in the shopping centers.

It is my understanding that (name of company) has a current policy of remaining closed on Sundays.

It would be greatly appreciated if you would furnish me a current statement of your company's policy on this subject. I am particularly interested in learning if the policy of remaining closed on Sundays has an historical significance for the company. In addition, does (Name of company) have a policy of joining with other retailers in different localities, upon occasion, in campaigns to accomplish the objective of "no business on Sunday?" And finally, does the company join with any religious groups to achieve this same goal?

Such information or a general policy statement would be greatly appreciated. Since (name of company) is one of the leaders in the retailing field, I feel that its practices and opinions should be included in the type of research project that I have undertaken.

I would naturally wish to be granted permission to quote any statements in my paper which may be reproduced in a limited quantity.

Very truly yours,

Herbert A. Howard

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