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Bianca Tirado
City Clerk, South Bend, IN



South Bend Reparatory Justice Commission

FINAL REPORT

For Additional Information visit: <https://www.sbpreparations.org/>

SOUTH BEND REPARATORY JUSTICE COMMISSION

COMMISSION MEMBERS



**Trina Robinson,
Chair**



**Judith Fox, Esq,
Vice-Chair**



Conrad Damian



Alma Powell, MA



Aladean DeRose, Esq



Richard Warfield



**Pastor Gilbert
Washington**



Cassy White, MPH



Takisha Jacobs



**Regina Williams -
Preston**



Jay Lewis, Esq



Additional Contributors:



Dr. Darryl Heller, Inaugural Chair



Pastor David Buggs



Wilner Cusic



John Duffy

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SOUTH BEND REPARATORY JUSTICE COMMISSION

CITY OF SOUTH BEND REPARATORY JUSTICE COMMISSION RESOLUTION

BILL NO. 23-56

RESOLUTION NO. 5053-23

**A RESOLUTION OF THE COMMON COUNCIL OF THE CITY OF SOUTH BEND ANNOUNCING
THE FORMATION OF A REPARATORY JUSTICE COMMISSION AND THE MEMBERS
THEREOF**

Whereas, earlier this year, a proposed resolution calling for reparatory justice in the City of South Bend; and in response to a proposed resolution calling for reparatory justice in the City of South Bend, the President of the South Bend Common Council promised the formation of a reparatory justice commission; and

Whereas, that proposed resolution recommended many remedies to past wrongs, including the formation of a Truth and Reconciliation Commission made up of representatives and members of affected communities to be responsible for advising the City on how to make financial reparations to impacted communities; and

Whereas, although the proposed resolution was not passed by the Common Council, it opened the way for a much broader discussion of the need for reparatory justice in South Bend and what that need consists of; and

Whereas, in response to the proposed resolution, Council President Sharon McBride promised the formation of a Reparatory Justice Commission to study various aspects of Reparatory Justice in South Bend; and

Whereas, that promise is being fulfilled through this Resolution; and

Whereas, this commission will operate independently of the Common Council, will select its own chairperson, determine its own direction in the discussion of reparations in South Bend and related matters, and have the flexibility to restructure itself as an entity other than a commission, if necessary to facilitate the goals of this resolution; and

Whereas, it is expected that the commission will take whatever time is necessary to provide to the Common Council its written findings and any suggestions for potential future actions by the Common Council; and

Whereas, the members of the commission are David Buggs, Wilner Cusic, Conrad Damian, Aladean eRose, John Duffy, Judith Fox, Darryl Heller, James Lewis, Cordell Martin, Alma Powell, Trina Robinson, Gilbert C. Washington, Cassandra White, Regina Williams-Preston.

Now, Therefore, be it Resolved by the Common Council of the City of South Bend, Indiana, as follows:

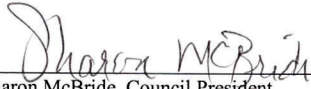
Section I. The South Bend Common Council hereby establishes a reparatory justice commission for the City of South Bend.

Section II. The commission is to take whatever time is necessary to provide to the Common Council its written findings and any suggestions for possible future actions by the Common Council

Section III. The members of the commission are David Buggs, Wilner Cusic, Conrad Damian, Aladean eRose, John Duffy, Judith Fox, Darryl Heller, James Lewis, Cordell Martin, Alma Powell, Trina Robinson, Gilbert C. Washington, Cassandra White, Regina Williams-Preston.

Section IV. This Resolution shall be in full force and effect from and after its passage by the Common Council and approval by the Mayor.

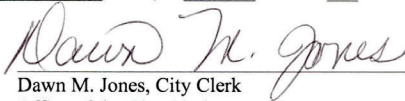
Approved this 28th day of September 2023


Sharon McBride, Council President
South Bend Common Council

Attest:


Dawn M. Jones, City Clerk
Office of the City Clerk

Presented by me, the undersigned Clerk of the City of South Bend, to the Mayor of the City of South Bend, Indiana on the _____ day of _____, 2023, at _____ o'clock ____ m.


Dawn M. Jones, City Clerk
Office of the City Clerk

Approved and signed by me on the 2nd day of October, 2023, at 2 o'clock p. m.

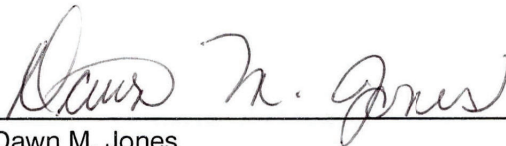

James Mueller, Mayor
City of South Bend, Indiana

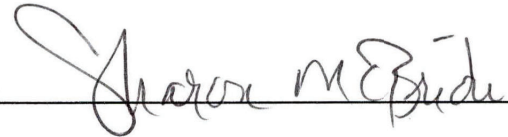
RESOLUTION

No. 5053-23

Passed by the Common Council of the City of South Bend, Indiana _____

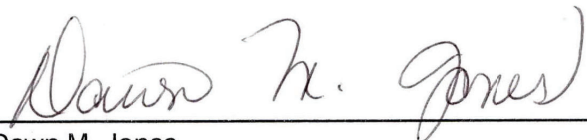
September 25, 2023

Attest:  City Clerk
Dawn M. Jones

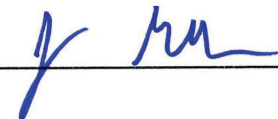
Attest:  President of Common Council

Presented by me to the Mayor of the City of South Bend, Indiana _____

September 26, 2023

 City Clerk
Dawn M. Jones

Approved and signed by me October 2, 2023

 Mayor

Statement of Purpose

The Reparatory Justice Commission was empaneled by the South Bend Common Council on September 28, 2023, to study aspects of reparatory justice for the harms and injustices experienced by African Americans and other Black people of African descent, as individuals and as a group. These harms have been physical, economic, psychological, and emotional, and continue to burden Black people in the present. They span generations and for some, represent lost opportunities and potentials that can never be regained. We recognize that the federal and state governments bear great responsibility and must be held to account. However, these harms were also experienced locally, through local action and inaction, and these local entities must also be held to account.

The Commission will focus its attention in the following areas:

- Economic Systems (employment/economic opportunity/wealth gap)
- Education
- Health and Mental Health
- Housing
- Policing and the Criminal Legal System

Through research, public testimonials, and input from scholars and other experts, the Commission will work to identify as much as possible the root causes of harms to African Americans and their effects in the present. It will make recommendations for the repair of those harms and propose remedies to ensure the harms are not repeated in the future. These may be harms or injustices perpetrated by explicit City policy or indirectly through structures or institutions under municipal authority. Inevitably, these will also include harms and injustices that were perpetrated by private and other non-governmental entities over which the municipality may have no authority, but which nonetheless demand redress.

The Commission has set 18 months as a timeframe in which to carry out its duties. It will hold public forums to gather stories and statements from those who have directly experienced harms, as well as examine the historical record to trace the causes of current disparities rooted in

past racial inequities. There will be regular assessments and ongoing feedback from community participants. The Commission is committed to its work being transparent and inclusive. Public input is not only desired but necessary for the legitimacy of its recommendations to have effect. The public may reach the commission with comments, suggestions, or stories at this location:

<https://www.sbpreparations.org/>

The commission's work and report focused on the City's Black residents. This was the original intent of the call for the commission and it is where the most historical data can be found. We acknowledge, however, that these discriminatory practices were wrong and likely affected other marginalized groups. It is not the intent of this report to discount or diminish those experiences.

EXECUTIVE SUMMARY

In this report, the Commission documented the extensive history of discrimination against the Black population of South Bend. Black residents were systematically denied equal access to housing, jobs, education, and City facilities. This systematic discrimination caused poorer economic and health outcomes for the Black residents of the City. It calls for reparatory justice to remedy the damage and insure it is never repeated.

To reach this end, the Commission has made numerous recommendations aimed at repairing the damage done by these discriminatory policies. While the Commission's recommendations are primarily addressed to the City, we understand that many of them cannot be accomplished by the City alone. Therefore, we urge the City to work with public and private partners to effectuate the following recommendations. Some of the Commission's recommendations require immediate implementation, while others will require more time to accomplish so we have also recommended a timeline for implementation.

Each subcommittee crafted their recommendations based on their research into that specific topic and are outlined in each subcommittee's section of this report. The policing subcommittee was unable to complete its work due to unforeseen circumstances affecting its members. A committee should be created to complete a supplementary report to be submitted at another date.

A few recommendations, however, cover the work of all the subcommittees and are presented below by the entire Commission:

For immediate implementation:

- (1) The City should formally acknowledge and apologize for a long history of racial discrimination.**
- (2) The City should preserve this report as a permanent, easily accessible, historical public record and commit to creating a robust website where citizens can learn about this history.**

Within three months:

- (3) The Common Council should appoint a permanent reparatory justice committee that includes experts, City officials, and citizens, the majority of whom should be Black. Current Commission members should be given priority if they want to continue to serve. The Committee should be charged with reviewing progress in implementing the recommendation of the Commission, monitoring compliance with reparatory justice, and**

identifying further measures that might come to light to ensure reparatory justice. The committee shall report to the Common Council the progress toward implementing the Commission’s recommendations and suggestions for the adoption of any additional measures needed for reparatory justice at least annually.

Within in the next three years:

(4) A Community Fund should be established through a non-governmental Entity as a repository of donations from charitable foundations, local and national businesses, individuals, and similar sources to provide monies for repairing past and preventing future harms identified in this report.

HISTORY OF RACIAL DISCRIMINATION IN SOUTH BEND, INDIANA



I. Early History of the Region

It is difficult to look at the history of discrimination in South Bend without placing it in the historical context of both Indiana and the nation. In 1787, the Northwest Ordinance established the Northwest Territory, some of which became the state of Indiana.¹ Slavery was banned in 1816 by both the Ordinance and the Indiana’s first constitution.² Despite being technically a free state, Indiana was not actually free of slavery. Researchers have documented hundreds of slaves and people held in forms of indentured servitude which at the time was the practical equivalent of slavery.³

In 1823, when South Bend was established, Indiana was an unwelcoming environment for all non-White residents.⁴ State laws banned Blacks from a wide variety of civic activities including the right to vote, “serve on juries, hold office, serve in the militia, practice law, testify against Whites, or even legally reside without proof of their freedom.”⁵ White children were guaranteed a free education by statute.⁶ Black children were prohibited from attending public schools, even if they paid tuition, if even a single White parent objected to their presence in the school.⁷ The Indiana Supreme Court justified this prohibition by explaining that “black children were deemed unfit associates of White, as school companions.”⁸ Black children could attend private schools which at the time were mostly affiliated with Black churches and largely funded by the Quakers.⁹ Indiana was, as one scholar explained, “the most Negrophobic state in the North.”¹⁰

In 1851, Indiana's constitution prohibited any "negro or mulatto" from coming into or settling in the State.¹¹ It also voided any contracts made with this prohibited class of people and fined anyone who dared to employ them.¹² Despite these legal prohibitions, Blacks did enter the state. As early as 1840 census records for St. Joseph County record nine Negro residents.¹³ The number of Black residents increased from 29 in 1850 to 340 by 1890. In 1890 a South Bend specific census recorded 572 Black residents.¹⁴

Some link the influx of black settlers into South Bend to a famous slave fugitive case that began in 1849.¹⁵ The case involved the Powell family who fled from Kentucky to Michigan. John Norris, who claimed to own the family, traveled to Michigan with a band of men and kidnapped the mother and three of her children. He had to travel through South Bend on her trip back to Kentucky. A Michigan neighbor of the Powells sought legal intervention and obtained a writ of habeas corpus, forcing the men to free the family. The men were stopped and a trial was held in South Bend. In one of the brighter parts of the City's racial history, the family was freed. Unfortunately, other litigation followed and the Powells were eventually required to pay Mr. Norris for the loss of his property, that property being Mrs. Powell and her children, Yet, the Powell family remained free.¹⁶

The first permanent black resident of South Bend is believed to be Peter Coleman who settled in the City in 1839.¹⁷ Ironically, another early and perhaps one of the most influential Black residents of South Bend, was also named Powell, though he was no relation to the Powells of this infamous case.¹⁸ The Powells moved to South Bend in the 1850s and, in 1858, purchased a home on Main Street.¹⁹ The Garrett Smith family was the first Black family known to have owned property in South Bend. In 1849 they owned the first brick home in the City.²⁰ James Washington, a barber and significant member of the underground railroad, was another prominent citizen from that time period.²¹ While the presence of these and a few other early residents have been verified; it is certain there were others whose stories have been lost.²²

The number of Blacks in St. Joseph County grew slowly at first, but by 1890 there were more than 500 Black families in the City.²³ From the 1890s until 1960, South Bend's Black population grew from approximately 1.3 percent to 9 percent, increasing to approximately 13,000 residents.²⁴ Until 1863, public education was limited to White children. In 1863 a state law was passed providing that all children could attend school, albeit segregated schools, but provided no guarantees for Black children if there was no segregated school available to them.²⁵ In 1890

Linden School opened on the west side, largely to accommodate a growing White population. Ironically, Linden school would become important for the history of Black children in South Bend until it was closed in 1972.

An 1877 Indiana state law clarified the right of every Hoosier child to an education. If there were not enough Black children in the area for a segregated school, Black children had the right to attend an integrated school.²⁶ The low percentage of Black children in South Bend in the early years of the twentieth century meant Black children attended schools that were predominantly White, including Linden School. Unfortunately, this also meant that Black children were often exposed to prejudice.²⁷ In July 1921, an anonymous Black writer to the editorial page of the *South Bend Tribune* explained what this meant to Black children.

Colored children who attend white schools have but few moments, if any, in which they are not made to feel the white man's prejudices, that they belong to an inferior race and that to be black is a disgrace."²⁸

Much of what we know about the early years in South Bend comes from the work of Reverend Buford Gordon. Rev. Gordon's book gives us important insights into the living conditions for Blacks in the early years of South Bend's history.

Reverend Buford Gordon²⁹



Reverend Gordon was born in Pulaski, Tennessee in 1893, the child of a former slave. He graduated from Fisk University with a degree in Chemistry and entered Yale Divinity School. W.W.I. intervened and he left school to join the war effort. After returning from the war, he entered the University of Chicago where he obtained a degree in divinity. He moved to South Bend in 1920 to serve in the Taylor A.M.E. Zion Church. In 1922, Reverend Buford Gordon wrote a history of black residents of South Bend, *The Negro in South Bend*.

According to Rev. Gordon, there was little racial tension in the area before the advent of World War I. He believed this was largely due to the small number of black residents in the City at that time.³⁰ Early Black residents of South Bend were mostly employed in manual labor. Census data shows that most Black residents reported working as farm laborers or general laborers, with a small number who reported being self-employed.³¹ However, Rev. Buford also mentions a number of Black barbers who served both black and White residents as early as the 1860s.³² Before World War I, most factories, stores, and service businesses in South Bend simply did not hire African Americans. When this changed, racial tensions rose.

II. World War I: the Beginning of the Great Migration North

By 1920, Rev. Gordon placed South Bend's population at 70,983 and the City's Black population at 1,269.³³ He noted, however, that by 1922, the South Bend Tribune estimated the Black population to be approximately 3,000.³⁴

In 1913 Woodrow Wilson was elected President. He brought his segregationist attitudes with him to the White House and the country.³⁵ His first move was to segregate the federal workforce. He ordered dividers be placed between Black and White workers, created racially segregated cafeterias, and forbade any Black worker from supervising a White worker.³⁶ He would soon follow with policies to segregate housing. While these practices were common in his native South, they were not consistently practiced across the country. As President, Wilson gave credibility to segregation.

The first World War sparked a wave of Black migration to Northern factories, including those in South Bend. The Selective Service Division issued a "work or fight" order requiring all able-bodied men to either serve in the military or work in a "necessary" civilian occupation.³⁷ Under the Selective Service Act of 1917 three million men were drafted (and another two million volunteered) before the end of the war.³⁸ The need for Black laborers in the North was driven both by a need for war materials and a decrease in immigration from Europe during the war.³⁹ Prior to this surge, immigrants far outnumbered Blacks in Indiana.⁴⁰

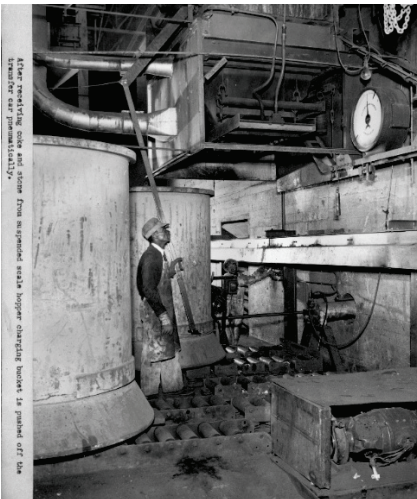
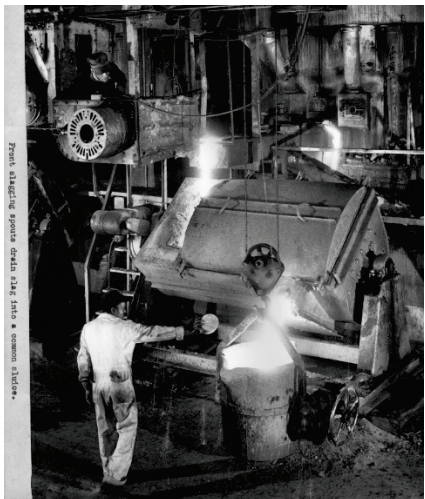
The South Bend factories of Studebaker, Singer, and Westinghouse are reported to have hired Black laborers during these years.⁴¹ Other local factories such as the Wilson Brothers Shirt Factory, Birdsell Manufacturing Company, F.P. Box Company, and the Oliver Chilled Plow Works also began hiring Black workers at some point in the 1920s or 30s.⁴² At one time, the

Studebaker Corporation employed 700 Black men and women, more than any other local company.⁴³

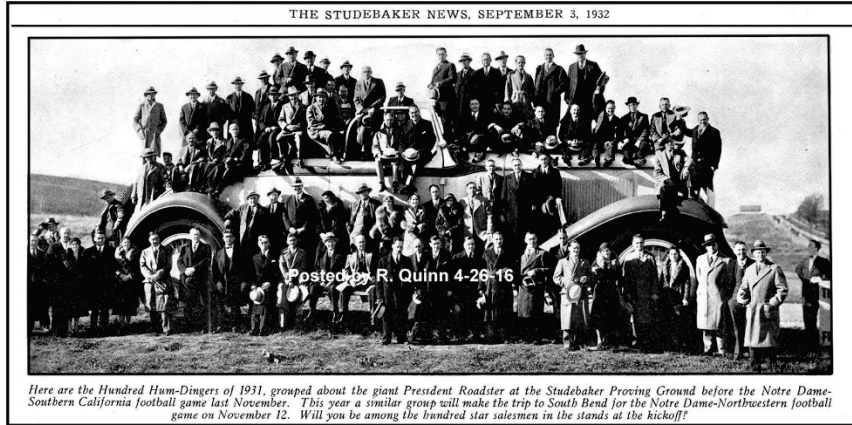
Black employees during this era were not given equal wages or working conditions. These were the early years of “The Segregation Era.”⁴⁴ Most employers still refused to hire Black employees. Those that did followed the President’s example by segregating Black workers from their White counterparts and limiting them to menial work. Studebaker in South Bend is a case in point. Although more willing to hire Black employees, those hired were relegated to the foundry,⁴⁵ which was the hottest, dirtiest, and most dangerous part of the factory. Work in the foundry required lifting heavy loads, often in furnace-like heat.⁴⁶



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These pictures, published in the Studebaker News (the official Company newspaper), show the contrast between the foundry workers (above), many of whom were Black, and the sales force at the time (below), all of whom were White.



The Herring House, erected in 1925 in the 700 block of Western Avenue as a Black culture community center and place of support, became a resource for South Bend’s Black workers.⁴⁸ The founders were Frank and Claribel Hering who signed a trust deed noting that the property was “for the colored people of South Bend.”⁴⁹ In addition to youth programs and recreational activities, the Hering House provided employment and business help, including events aimed to assist Black workers in finding jobs.⁵⁰

Despite these challenges, Blacks continued to migrate to South Bend and other cities in the North to take advantage of these wartime jobs.⁵¹ Many cities, including South Bend, did not have the infrastructure to handle the influx, resulting in severe housing shortages. This influx of workers also marked the beginning of overt housing discrimination. Blacks were systematically denied the ability to purchase homes and instead forced to live in ghettos across the City. Maggie’s Court, located off what is now Western Avenue (and the location of the soon to be demolished Rabbi Shulman housing project), was one of the earliest such settlements.⁵² The owner turned some warehouses into tenement housing and others built makeshift shacks on the property.⁵³ There was no plumbing or garbage collection. The streets were mud.⁵⁴ As the 1916 pictures (below) from Maggie’s Court reflect, it was a terrible place to live.



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Other ghetto areas soon developed close to industry because these were the only places Black workers were permitted to live. The lack of housing and the concerns that these new families might move into better locations in South Bend was the initial pressure that brought on the decades of housing discrimination to follow. These pressures were not just being felt in South Bend. Housing shortages developed across the country as minority war workers and recent Eastern European immigrants moved into communities seeking housing.

A. Governmentally Sanctioned Housing Discrimination

President Wilson's discriminatory housing policies began in 1917 when the Department of Labor created the "Own Your Own Home" program.⁵⁶ This was an explicitly racist effort to segregate housing in America. White citizens were told it was their patriotic duty to buy a home and move away from Black residents.⁵⁷ They were instructed to "consider the 'general type of people living in the neighborhood'" so as to avoid building homes in racially mixed neighborhoods.⁵⁸ To achieve the government's goal of racially pure neighborhoods, builders and developers were encouraged to put racial covenants into deeds that would prevent blacks and other so-called undesirables, such as Jews, from building or buying homes in these new developments.⁵⁹ New housing, good housing, was for Whites only.

Developers in South Bend readily complied with these directives. Racial covenants appeared across the City and county. The housing subcommittee located 68 plats for housing developments in the county created from 1922 to 1953 that contain racially restrictive

covenants.⁶⁰ Most, but not all, were for developments located in the City limits. Every plat represents multiple homes. We cannot claim these represent all the racial covenants that still exist in deeds in South Bend properties; but they do illustrate the pervasive nature of the practice.⁶¹ Each plat that contained a racially discriminatory covenant in the City was approved by the South Bend Board of Public Works.⁶²

The language of these covenants is very similar. Below is the language from the covenant for the 1923 plat for the Jefferson Park Addition.

S T I c o s i r T h E c a n E Y r Y R c R 3 / c a T d n E c + Y t F Y a l Y r a Y F c R Y = Y F O t l o c U E T Q U
O Y a c U t a T F F t I = Y r = s J c O E D E T t c l r o Y l s Y s s l e l r b a l 4 s c s U E T J c l e a U
n E Y n n E l o s E Y O r T h c l F O s c n E c E T t o l r D T d s T R c o n l F E c O Y r s F E Y t d d e t o s l r
n E c T J r c a o s J c O E D E T t c l r E l O n E c o Y r c l o 3 / c l r D T F F t I l c s o⁶³

In 1948 the United States Supreme Court declared the enforcement of racially restrictive covenants unconstitutional.⁶⁴ This meant that no court could enforce them, but it did not make them illegal. That would not happen until the passage of the Fair Housing Act of 1968.⁶⁵ Twelve plats with racial covenants approved by governmental officials in both the county and the cities of Mishawaka and South Bend after the 1948 U.S Supreme Court decision. The busiest year for filing plats with racial covenants was 1947, likely in anticipation of the pending Supreme Court decision. 1948, the year of the decision, marked the second busiest year for covenant filings. The fact that these could not be enforced by a court did not make them any less powerful. They were enforced by the industries that built, sold, and financed property well beyond 1948.

The actions of private actors, backed by the policies of local, state, and federal officials, severally restricted where Blacks could settle in South Bend. Rev. Gordon describes two distinct areas where black residents lived in the 1920s: the west side of South Bend in the ghettos of Maggie’s Court and Beck’s Lake, and what was then the east side, the area near the A.M.E. Zion Church.⁶⁶ This division was somewhat class-based. The newer group of factory workers lived in subpar rentals in the newly organized slum areas, while the more middle-class Black homeowners concentrated in the eastern part of town near Notre Dame. These housing patterns persist to this day. Urban Renewal and redevelopment, including very recent projects in the Eddy Commons area, have pushed Black families west. The concentration of black families on the west side of South Bend is evident to this day.

B. The Rise of the Ku Klux Klan

The 1920s marked a period of rapid expansion by the Ku Klux Klan in Indiana, including in South Bend. The Klan essentially governed Indiana at this time.⁶⁷ The governor and many legislators and as many as one third of all White Protestant men in the state were members.⁶⁸ While the Klan's influence may not have been as strong in St. Joseph County, it still had hundreds of members in powerful positions.⁶⁹ The local chapter had an annual picnic and baseball game at Lake Maxinkuckee in Culver.⁷⁰ Members harassed and intimidated black families throughout this period. Reverend Gordon led an effort to build a new A.M.E. church on Eddy Street in the midst of this expansion. The Klan attempted to stop the project by tearing down the building as it was being constructed. The congregation and students from the University of Notre Dame guarded the building until the work was completed in 1925.⁷¹ While the Klan's influence may have diminished over time, as we will discuss later in this report, White supremacist groups have not gone away.

III. The 1930s and 1940s

The outbreak of war in Europe in 1939 sparked an immediate need for more manufacturing labor in the United States. Another wave of Black "defense workers" and their families moved North, including to South Bend. Despite the need, many manufacturers still refused to hire Black workers.⁷²

A. Employment Discrimination

The employment crisis spurred Blacks to lobby for anti-discrimination legislation. In response, South Bend's J. Chester Allen Sr., a Black lawyer and representative in the Indiana House of Representatives, introduced the Fair Employment Protection Act (H.B. 445).⁷³ In support of the bill, Allen stated that "Negro workers, skilled and semi-skilled, by the thousands are walking the streets or working on WPA projects because they happen to have been endowed with a dark skin by the Creator of all men."⁷⁴ The bill received broad support initially but was defeated.

On June 1, 1941, Governor Schricker appointed J. Chester Allen as the Negro Activities Coordinator to the Indiana Defense Council. As part of the Indiana Plan of Bi-Racial Cooperation, Allen traveled throughout the state, appealing to groups like the A.F.L., C.I.O., and the Indiana State Medical, Dental and Pharmaceutical Association, which all formally pledged to employ African Americans.⁷⁵



Left to Right: J. Chester Allen, Negro Activities Coordinator of the Indiana Defense Council, and Charles V. Carr, Cleveland, Ohio, Negro Activities Coordinator of the Regional Office of Civilian Defense—Picture taken at meeting held in Indianapolis.

In 1941, Allen helped persuade South Bend employer Bendix Aviation to hire its first six Black workers, all men. His efforts were assisted by President Roosevelt's executive order in June 1941 prohibiting racial discrimination in employment at defense contractors. Later the same year, the Director of Industrial Relations at Bendix—Marvin Heidt—wrote to Allen for his help in modifying the Indiana Female Labor Law; this law limited the amount of time a woman could work, a particular hindrance to women who chose to work overtime.⁷⁶ Allen did not respond to this request, perhaps because, like many, Allen perceived that Bendix was seeking to have White women work longer hours rather than hire more Black men. By November 1941, Bendix had only 19 Black employees in a workforce of seven thousand.⁷⁷

Black women in South Bend had a particularly hard time finding meaningful employment outside of domestic work, particularly before World War II. For women, nursing and teaching were popular jobs. However, in South Bend, securing a job without racial discrimination was nearly impossible even in those fields. For example, no black teacher worked in a South Bend school until 1950.⁷⁸

South Bend resident Lucille Sneed was one of a handful of young Black women looking to get training on industrial sewing machines. She explained the barriers she faced.

This teacher said, "There's no need to teach you how to use these machines because you're not going to get a job." She taught the white ladies how to use the machines and, after a week or so, they were [hired at] Studebaker's, Singer's, and I think other places. They hired them! But for us there was nothing...

We went to Hering House and [told the director] that we were not being taught how to use these machines. And [the Hering House staff] went to this teacher and talked to her, and we were [then] given an opportunity to learn how to use them. And I'm happy that I was because, after getting to Studebaker's, having this knowledge gave me an opportunity to keep the job.⁷⁹

When the Kingsbury Ordinance Plant in LaPorte County began hiring Black women to work in their factory during World War II, women from South Bend carpooled to work there, despite dangerous conditions. Vera Lane, a former employee of Kingsbury who lived in South Bend, described what happened:

"I was looking for work when I heard the news that Kingsbury was hiring blacks, so I went over there and got a job. The news was passed by the churches and word of mouth, so many black women packed their lunches and headed to the factory."⁸⁰

Kingsbury Ordinance Plant may have provided work for Black women, but it was not safe work. Gail Brodie of South Bend reported that her mother, Annette Brodie, was seriously injured working there. "My mom was hurt really bad there during one of the explosions," Gail explained. "She lost some of her fingers, and it burned her all over." Most of the women were undeterred by the danger and were simply glad to work. "I worked stuffing the shells with gunpowder," said Margaret Morgan, of South Bend, a former employee. "But I would have rather stuffed gunpowder than clean houses for a living. I remember moving to South Bend from Tennessee, where I lived in a new house; when I got here I moved in a basement apartment. I was sitting out in a field in my back yard when I heard that Kingsbury was hiring black women," she said. "I went out and applied right away, and what that job did was give us (black women) a chance to work in a factory and make good money."⁸¹

B. Segregated Housing and the Home Owners' Loan Corporation (HOLC)

Margaret Morgan's story illustrates many of the housing issues people faced when moving North for employment opportunities. Purchasing homes was nearly impossible for Blacks during this period. Federal policy regarding home ownership moved slightly from the Wilson administration's "Whites only" policy to one favoring segregated housing. The Home Owners' Loan Corporation was created in 1933 to stem the growing number of residential mortgage foreclosures during the Great Depression. It was charged with buying existing mortgages from banks and refinancing them to prevent foreclosure.

In 1935 the Mortgage Rehabilitation Division of HOLC famously began a study of cities with populations over 40,000. South Bend was one such City. With the help of local officials, neighborhoods were rated and these rating sheets used to create maps. These documents were meant to help banks understand which neighborhoods were considered desirable for mortgage lending, and which were not.⁸²

The maps rated neighborhoods from A to D. An “A” rating was given to properties that were “new well planned sections of the City” where “good lenders with available funds are willing to make their maximum loans.”⁸³ “A” rated neighborhoods needed to be seen as “homogenous.” Harter Heights, a South Bend neighborhood, obtained a top rating for its lack of Negroes or other infiltration.⁸⁴ Its residents were safely “[n]ative white.”⁸⁵ Jefferson Park, Coquillard Woods, and Sunnymeade also got top ratings, both for their homogenous population but also because the areas were “highly restricted,” each having racial covenants banning non-White residency. Below is part of the rating sheet for the “A” rated Sunnymeade neighborhood. The comments explained that the neighborhood was “[h]ighly restricted” and, therefore “[p]robably best section of the city.”⁸⁶

5. INHABITANTS:

a. Type Native White-collar; High grade. ; b. Estimated annual family income \$ 5,000 to 50,000

c. Foreign-born None; %; d. Negro None; %;
(Nationality) (Yes or No)

e. Infiltration of None ; f. Relief families None ;

g. Population is increasing Slowly ; decreasing ; static.

Several South Bend neighborhoods received a “B” rating, but the introduction of any foreign born or non-White residents would cause a neighborhood to drop to a C.

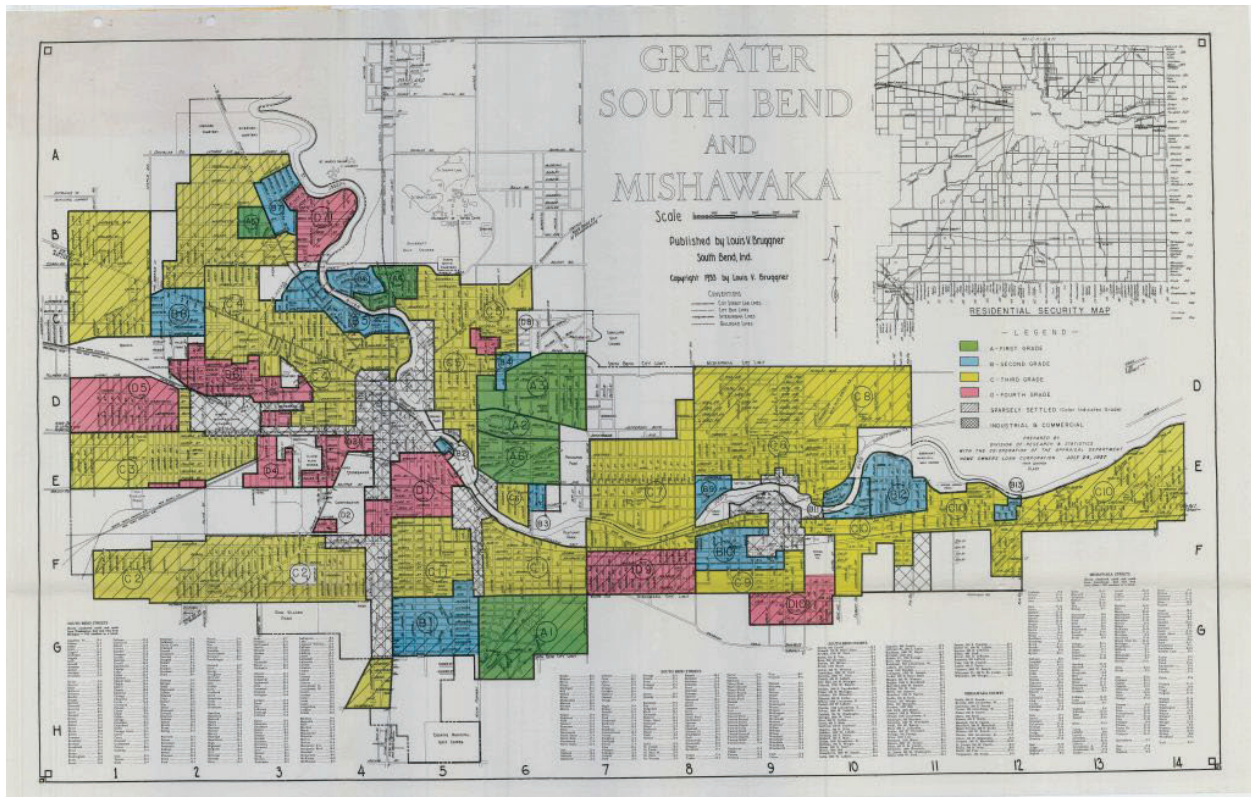
“C” neighborhoods were “characterized by age, obsolescence, and change of style.”⁸⁷ An important factor in obtaining a “C” rating was a neighborhood with no or expiring racial covenants and “infiltration of a lower grade populations.” This was code for residents who were non-White or recent immigrants, especially Eastern Europeans and Jews.⁸⁸ According to the ratings system, these neighborhoods were “lacking homogeneity.” A segregated neighborhood was a failing neighborhood. A section of the City identified only as “Olive, from Western to Huron” was given a “C” rating. The comments indicate it was “the best of the foreign sections,” close to industry, whose residents were “95% Polish” with 3 black families.⁸⁹ A neighborhood

with this kind of “infiltration” could not be given a “B” rating. The problem was evident. These were probably the best neighborhoods families of color could hope to live in because of the lack of covenants. However, once non-White families moved in, the areas were considered to be failing and the ratings dropped. This made it even more difficult for prospective Black buyers to get mortgages to move into these neighborhoods; but it also made it difficult for existing residents to obtain loans to maintain or improve their properties. Selling to move to a better neighborhood was also difficult because the ratings caused property values to fall while at the same time restricting prospective buyers.

“D” neighborhoods were “characterized by detrimental influences in a pronounced degree, undesirable population, or an infiltration of it.”⁹⁰ There are not a lot of homeowners in these areas because banks did not lend in these areas. One “D” neighborhood is only identified as “[h]ighly undesirable settlement of Negroes with only outlet on Prairie Ave.”⁹¹ Beck’s Lake, an area that is particularly significant in housing discrimination in the City, also received a negative, “D-5” rating. It is characterized as “[n]egro [l]aboring class” with 10 percent foreign born.⁹² Linden Place, another neighborhood where Blacks could find housing received a “D-6” rating, a step below Beck’s Lake. It was characterized as “Negro and foreign-born.” There was an “[i]nfiltration of Negro” and 22 percent of the residents were Polish.⁹³

The HOLC ratings were prepared with the assistance of local real estate professionals, including people like A. C. Colpaert.⁹⁴ Derick Webb describes Colpaert as an “ardent segregationist.”⁹⁵ He was one of the most vocal opponents of integrated housing in the City at the time. In one of his many attempts to preventing housing developments for blacks, he stood up and declared, “There will be no niggers west of here.”⁹⁶ Yet, he was one of the men the federal government relied on to complete the Home Loan Corporation map for South Bend, a

version of which can be seen below:



In 1934, the federal government thought to increase home ownership through the Housing Act.⁹⁷ The Federal Housing Administration (FHA) was created to encourage mortgage lending by guaranteeing certain mortgage loans, thereby shielding lenders against risks in the mortgage market. Again, communities were encouraged to use racial covenants and exclusionary zoning to create racially pure neighborhoods.⁹⁸ According to paragraph 284(2) of the 1936 FHA Underwriting Manual:

Carefully compiled zoning regulations are the most effective [way of maintaining segregated neighborhoods] because they not only exercise control over the subject property but also over the surrounding area. However, they are seldom complete enough to assure a homogeneous and harmonious neighborhood”⁹⁹

Covenants that prohibited “the occupancy of properties except by the race for which they are intended” were also recommended.¹⁰⁰ The manual also points out that the “infiltration of inharmonious racial groups” will lower home values and deteriorate neighborhoods.¹⁰¹ Inharmonious racial groups was coded language for Blacks, Jews, and recent Eastern European immigrants, all of whom faced housing discrimination at the time.

What is more significant and much less known about the FHA is that they also created rating systems and maps.¹⁰² These maps were more influential and ultimately more damaging than the HOLC maps.¹⁰³ HOLC was only in business for three years, while the FHA used their maps for decades.¹⁰⁴ The FHA bought new mortgages from banks while HOLC only bought existing mortgages. As a result, the FHA likely had more influence on lenders in the long term. We do not have copies of most of the FHA maps. When litigation on these issues began in the 1960s, the government destroyed most of the FHA maps.¹⁰⁵ In recent years, however, scholars have discovered isolated copies of these maps and been able to compare them to HOLC maps. What they learned is that FHA maps were even more racially restrictive than the HOLC maps.¹⁰⁶

C. Segregated Education

As South Bend's Black population increased so did racially segregated housing and with it actual (de facto) racial segregation in South Bend schools.¹⁰⁷ The unwritten "neighborhood school" policy through the 1950s enforced this segregation without the need to draw racially explicit boundaries. As explained:

"Children are expected to attend schools serving *their respective areas of residence.*"¹⁰⁸

This may have been practical for child safety and parental convenience. However, it eventually led to the creation of majority Black schools in South Bend. Such schools were "separate and inherently unequal" as the U.S. Supreme Court declared in its 1954 case, *Brown v. Board of Education*.¹⁰⁹

Although not requiring segregated schools, Indiana law supported their creation.¹¹⁰ Like South Bend, a few communities provided integrated schools until they viewed the population of Black students sufficiently large to establish Black only schools.¹¹¹ In the 1896 case, *Plessy v. Ferguson*, the United States Supreme Court explicitly gave segregated schools a seal of approval.¹¹² According to the court, the equal protection promised in the fourteenth amendment of the U.S. constitution "could not have been intended to abolish distinctions based upon color," specifically endorsing "separate schools for white and colored children."¹¹³ This was the law of the land until 1954 when *Plessy* was finally overturned by *Brown v. Board of Education*.¹¹⁴

Indiana had started down the path to outlaw segregated schools four years earlier in 1949 with the passage of a law that made it illegal to build segregated schools after 1954 and allowed students to attend White schools in their neighborhood.¹¹⁵ This had little impact on segregation. In 1954, neighborhoods were heavily segregated by race, including South Bend neighborhoods.

White children lived in White neighborhoods and Black children lived in Black neighborhoods. There were no buses at the time. Children walked to school and, as a result, attended schools “serving their respective areas of residence.”¹¹⁶ When neighborhoods became too integrated, the school system changed the school boundaries to limit the number of Black children in predominately White schools.¹¹⁷ While there was never a strict segregation policy, in reality Black students were steered to Black schools and White students to White schools. By the late 1960s and early 1970s, when the Great Migration came to an end, several South Bend schools had Black student enrollment well in excess of 50 percent.



Linden School was one South Bend primary school attended by mostly Black children.¹¹⁸ Linden School was located in the 1500 block of Linden Ave. in the present site of the Dr. Martin Luther King Dream Center. Ironically, this school was built in 1890 to accommodate South Bend’s growing White ethnic population on the City’s west side. Linden’s student enrollment was overwhelmingly White for nearly four decades while the surrounding neighborhood’s Black population steadily increased.¹¹⁹ The area became mostly Black at the end of the 1940s.

When I started Linden school in the kindergarten in September of 1938, it was like, about ninety percent, eighty-five percent, you know, white – ten, fifteen percent black. By the time I graduated from Linden Junior High School in June of ’48, it was about the reverse.¹²⁰

Barbara Brandy, who attended Linden School in 1948, explained the reason for the swift change in the school’s racial makeup.

The school was predominantly black in ‘48-’49. It was getting that way because they were starting to have what you call ‘white flight’ in most of the neighborhoods....¹²¹

By the end of the 1940s, 82 percent of Linden's 369 students were Black.¹²² At the time Barbara Brandy attended Linden School in 1948 there were no Black teachers.¹²³ The first Black teacher in South Bend was hired in 1950 and placed at Linden School.¹²⁴

Although the students who attended majority Black schools have some positive memories of forming lasting friendships and participating in extra-curricular activities, they also recall being ill-served by guidance counselors, receiving poor quality and out of date materials, being discouraged from taking college preparatory classes or funneled into vocational classes regardless of whether they had an interest in a vocational career.¹²⁵ These students also recalled being harshly and unfairly disciplined as compared to their White counterparts, and that their school buildings were overcrowded and often poorly maintained. Black parents expressed this frustration in the early days of the growing school system.

Ruby Paige attended Oliver School and then Washington High School in the 1940s. In an oral history interview conducted by the Civil Rights Heritage Center, she explained that some of her White teachers and classmates made her Oliver experience hard.¹²⁶

The teachers were not nice. The students were not nice. There were no Black teachers and the students were very ugly."¹²⁷

George McCullough was a student at Harrison School and Washington High School who went on to become principal at Riley and Washington high schools. He also gave an oral history to the Civil Rights Heritage Center, explaining the problem with outdated books during his time at Harrison.¹²⁸

You'd open up the inside of the book and it would be 10, 15, 20 years old, and we knew Perley was getting new books because our teachers told us¹²⁹

Mr. McCullough's recollection was confirmed by former SBCSC Director of School Learning, Howard Edwards. He told the education subcommittee that he personally recalled that during the late 1960s Linden School received no new textbooks. If he wanted them, Linden's principal was required to personally pick up new textbooks at another SBCSC school. Mr. McCullough also recounted the lack of support given to Black students by White teachers and counselors.

The counselors did not help or support or advise Black students. They did not service African Americans. My counselor told me I was not college

material. He said I would be better off working in one of the factories on the west side.¹³⁰

Other Black South Bend School pupils had similar experiences. In her oral history, Lucille Sneed gave her impressions:

I felt that [counselors] didn't have the right attitude because they said, "you know there is no need to prepare for college because, after all, you're not college material," or "you're not going to go." And so, that was just about it.¹³¹

Abdul Nur, another Black student who attended Oliver school in the 1940s told Civil Rights Heritage Center interviewers that he encountered hostility from teachers during his time at Oliver.¹³² According to Nur, his homeroom teacher did not want to admit him into class when he was late, nor did the teacher attempt to learn the reasons for Nur's tardiness. Nur, fearing his teacher's hostile reaction, sometimes remained in the hall where he was confronted by the principal. "That got me in a lot of trouble."¹³³

He also told interviewers that Black students at Oliver were disciplined more harshly than their White counterparts. For example, he said the school's shop teacher often used corporal punishment by paddling students who misbehaved. Black boys at the school described being told to bend over and described the shape of the paddle. He did not believe White children were so disciplined. "I never heard the White kids talk about that"...When we talked to the White kids who were there, they never talked about getting paddled."¹³⁴

Predominately Black schools were often under-resourced and Linden School was no exception. By the end of the 1950s, Linden was overcrowded, in disrepair, and one of the school district's oldest buildings. Its student body was predominantly Black. In the 1950's and 1960's, parents and community activists applied pressure to the school district to make needed repairs to Linden. Discussions focused on whether to close Linden School and build a modern building in the neighborhood (which happened when Kennedy School opened in 1972) or to renovate it. No thought was ever given to alleviating the overcrowding by simply changing attendance boundaries.

In 1965 to 1966 Linden School's student body was approximately 99 percent Black. This, combined with its old age and dilapidated condition, led parents and Black community leaders to cry out for relief.¹³⁵ School Superintendent Alex Jardine stated that integrating South Bend Schools by busing was not a solution because "mixing children of different backgrounds reduces

the achievement of all of them and hinders the effectiveness of their instruction.”¹³⁶ The subtext of this public statement reflected a commonly held racial stereotype that Black children were not as cognitively educable as White children.

According to a 1965 editorial by Attorney Chester Allen,

The ‘neighborhood school’ in the South Bend community has too long been used to perpetuate segregation... . Boundaries have been ‘adjusted’ over the years to hold down the spread of Negro enrollment, and schools are quickly built for the new white neighborhoods where heretofore Negroes have been excluded.¹³⁷

In December 1966 a Linden third grade teacher in a basement classroom heard the sound of the ceiling buckling and managed to evacuate her children seconds before the ceiling gave way.¹³⁸ The ceiling collapse at Linden confirmed the Linden parents’ belief that the school had suffered years of neglect since becoming a majority Black school. A group of Linden parents sued the SBCSC for violation of the *Brown v. Board* requirement of non-segregated, equal schools, which in South Bend was evidenced by the “inferior and increasingly dangerous [school] facilities.”¹³⁹ The lawsuit was settled and eventually led to Linden’s closure, and the opening of Kennedy School in 1972. Linden was demolished that same November.¹⁴⁰

On February 8, 1980, a consent decree was signed between the United States Department of Justice and the South Bend Community School Corporation (SBCSC) (“the Consent Decree”) in which the School Corporation agreed to adjust its policies to insure that education and extracurricular programs would be equal for each school serving similar grade levels and similar student needs. The Consent Decree was later amended by an agreement between SBCSC and the Department of Justice. That amended version was fully approved by Federal District Court Judge Allen Sharp on April 17, 1981.¹⁴¹ It had been the product of extensive negotiations between the SBCSC and the U.S. Department of Justice since then. The SBCSC neither admitted nor denied that it had intentionally engaged in racial or ethnic origin discrimination against students.¹⁴² The Consent Decree avoided litigation between SBCSC and the United States Department of Justice and the court pointed out that “at least since the latter part of 1979, the Board of Trustees of the South Bend Community School Corporation was moving toward voluntary integration of its schools.”¹⁴³

The Consent Decree requires each South Bend school to have a Black student population that is no more than 15 percent higher, nor 15 percent lower than the proportion of Black students in

the entire district.¹⁴⁴ In 1970, seven South Bend schools had a Black student enrollment of more than 50 percent. This included Linden School where 97.3 percent of the students were Black, according to SBCSC data.¹⁴⁵ Although the 15 percent requirement was at the heart of the Consent Decree, its ultimate objective was full educational racial equality in SBCSC schools. Other conditions were included in the Consent Decree to assure that outcome.

In 2002 the Consent Decree was revisited by Judge Allen Sharp when he was asked to determine whether the SBCSC's "Plan Z" conformed to the amended Consent Decree of 1980.¹⁴⁶ Plan Z was SBCSC Superintendent Joan Raymond's remedial response to state budget cuts, reduced student population within the SBCSC boundaries, under-utilized buildings, and increased costs. The SBCSC Board of Trustees approved Plan Z after intense public debate. Plan Z was a reorganization of SBCSC schools by grades and the introduction of magnet programs within certain schools intended to attract students of all races.

The court noted strong opposition to Plan Z by the NAACP and a community organization known as the "LaSalle Group" composed of former LaSalle students. Their criticism included concerns that more Black students would be transported to school under Plan Z than White students, that the controlled choice and magnet programs would not work to achieve the goal of integration under the Consent Decree, and would result in too many primary schools being out of compliance with the racial requirements set out in the Consent Decree. Additionally, the group objected to the high cost of implementation and claimed a racial motivation for closing LaSalle High School. The Consent Decree compliance range of 15 percent was to remain in all high schools and intermediate centers.

The court considered these community concerns. It agreed that Plan Z might not be the best or the wisest solution to comply with the Consent Decree in the face of a reduced number of students and budget shortfalls. Yet, the court found Plan Z met the legal standards for conformity with the Consent Decree.¹⁴⁷ The DOJ expert concluded that Plan Z's transportation plan would not be a greater burden to Black children. Judge Sharp found no evidence of racial prejudice in closing LaSalle High School.¹⁴⁸

The Consent Decree's promise of educational equality for Black students in South Bend remains elusive. Statistical information compiled by the SBCSC as required by the U.S. District Court's approval of Plan Z, as well as other information, shows that there is persistent racial disparity in the disciplining of Black students, in the percentage of Black children who are over-

identified as being in need of special education, and the percentage of Black students who are not referred to honors, magnet or advanced placement programs (except at Washington High School). Lower graduation rates and loss of economic opportunity for young Black persons are the by-products of these disparities.¹⁴⁹

On November 15, 2017, U.S. Department of Justice Attorney Veronica Percia attended a public forum in South Bend to assess SBCSC's compliance with the Consent Decree and consideration of a revised form of Plan Z, titled "Focus 2018."¹⁵⁰ These educational concerns were publicly discussed and examples provided.

In April 2021, the SBCSC Board of Trustees adopted "A Vision Statement on Racial Equity and Antiracist Policies in SBCSC" written by Board member Stuart Greene. Its central message relevant to reparatory justice was that "[r]acial equity has to be at the forefront of any efforts to make things right and begin healing from past harms."¹⁵¹ It also stated that changes to address racial injustice must be reviewed and evaluated "at regular intervals" to assess their "impact and effectiveness," a recommendation that this Commission endorses.¹⁵²

The SBCSC's Black enrollment as of October 2025 was at 37.25 percent, meaning that per the Consent Decree each school can have an enrollment that is no lower than 22.25 percent Black, and no more than 52.25 percent Black.¹⁵³ Yet, in October 2025, Black enrollment was higher than 52.25 percent at Dickinson Academy Middle School and Coquillard Elementary School. The Black student population at Muessel Elementary School was 62.34 percent. One elementary school, Swanson Traditional School, has a Black enrollment that is lower than 22.25 per cent.¹⁵⁴

On December 23, 2025, the SBCSC Board announced the formation of a committee "to examine data about the Consent Decree that the district has been under for four decades."¹⁵⁵ The Corporation faces challenges meeting the provisions of the decree, partially due to a declining number of White students in the system. While some recent improvements have occurred, full equity requires correction of historical harms.

D. The Fight for Affordable Housing

The federal government's role in racial segregation continued beyond the creation of the HOLC and FHA maps. In 1937, the federal government began providing money for local governments to create housing authorities to facilitate the building of low-income housing.¹⁵⁶ A 1936 Works Progress Administration's (WPA) property survey of South Bend sponsored by the

South Bend City Planning Commission documented the need for this additional housing in the City.¹⁵⁷ In 1939, South Bend's mayor urged the Common Council to create a housing authority. They declined, claiming there was no need for additional housing in the City.¹⁵⁸ Unfortunately, many in the City equated low-income housing with housing for minorities. Local realtors and builders opposed the housing authority because they wanted to be able to build any new housing and, in doing so, maintain the racial segregation in the City. With no City action, the housing shortage grew and the community voices concerned about the shortages grew as well.¹⁵⁹

World War II brought even more defense workers into the community, further exacerbating the housing shortage. In 1941, the Common Council finally relented and voted to create a housing authority, but not because the Council supported low-income housing. The housing authority was only created to support defense worker housing.¹⁶⁰ The first two housing authority projects were restricted to defense workers. 250 housing units were designated for White workers and 150 units for Black workers.¹⁶¹ In compliance with federal policy, these projects would be segregated by race and location. Federal policy encouraged the use of vacant land for these developments. The White housing project was built on vacant land in the River Park area as recommended. However, there was no vacant land in the existing Black neighborhoods and the City refused to locate Black housing in areas that were currently considered White.¹⁶² Instead, the City proposed locating the rental units in an area around Birdsell street which would have resulted in tearing down existing Black homes and businesses as well as the St. John Baptist Church.¹⁶³

According to Chester Allen, a prominent African American lawyer in South Bend at the time, the development would cause "46 Negro families" to "be left without homes."¹⁶⁴ The dislocated families would be unable to live in the newly built rental units because they were reserved for war workers. In addition, they could not move to most other areas in the City because of the racial segregation.¹⁶⁵ The Polish-American Central Civic committee opposed the project and any other "housing project for Negroes anywhere on the west side."¹⁶⁶ The current Black residents of the area who were to see their homes, businesses, and church demolished for the housing project also objected and urged the City to find vacant land as recommended by the federal government. As an alternative, they suggested opening up the existing defense housing to Black families, a proposition that got no consideration.¹⁶⁷ Instead, the City chose to build the

development in Beck's Lake and Maggie's Court, two neighborhoods where Blacks were already -living, both of which had some of the worst housing conditions in the City.

IV. Discrimination in Medical Practice

A. Medical Professionals

The rapid growth in the Black population after World War I also included Black doctors and nurses. According to Dr. Roland Chamblee, who moved to South Bend in 1953, William Smith was one of the first Black doctors in South Bend, Dr. Mott the second, Milton Butts the third, Bernard Vagner the fourth, Lawrence Bell the fifth, and he was the sixth.¹⁶⁸ Dr. Hickman and Dr. Fears were two other Black doctors who moved to South Bend in the early years.¹⁶⁹

These medical pioneers faced discrimination in both their professional and personal lives. In an oral history given to the Civil Rights Heritage Center, Dr. Vagner explained that the medical establishment tried to keep the number of Black physicians low. Most medical schools would not accept Black or Jewish students. He explained that up until 1938 the medical schools that did allow Black students to enroll would accept twice as many students in the freshman class as there was room for in the sophomore class. Half were dismissed at the end of their freshman year, regardless of their grades. Those dismissed would never become doctors because, as he explained, "once you were dismissed from a class A medical school, you could not apply to any other class A medical school[s] in the United States."¹⁷⁰

Dr. Vagner was the City's first Black surgeon. He set up a practice on Washington Street in 1949 with several other doctors. Dr. Mott and Dr. Foreman, two other Black medical professionals, also had offices near his.¹⁷¹ Although a surgeon by training, Vagner needed referrals from white doctors to maintain a full-time surgical practice. Therefore, he opened a family practice, noting that "all the surgery I got came from my practice."¹⁷² He was on the surgical staff at St. Joseph Hospital. Memorial would not allow him on the surgical staff, but he was on the medical staff there.¹⁷³ His medical practice was integrated, with most of his patients being Black, Hungarian or Polish. It is significant that these were the same ethnic groups restricted to live on the west side of South Bend due to housing discrimination.

Dr. Vagner noted that he never lacked for patients.¹⁷⁴ Some White doctors in town refused to accept Black patients. Vagner also acknowledged that there were several doctors who liked to tell racially insensitive jokes, including in the surgical dressing room when he was present.¹⁷⁵

Despite these challenges, Dr. Vagner acknowledged that things were better in South Bend than they had been in the South. He felt respected at the hospital, despite the attitudes of some of the doctors. He was able to join the county medical association, something barred in the South. At the time, a doctor were required to be a member of the county medical association before they could join the American Medical Association.¹⁷⁶ For years the AMA successfully barred any Black membership by requiring membership in state medical societies that they knew excluded Black members. In this way the AMA could claim it did not discriminate, while at the same time restricting Black membership.¹⁷⁷

Dr. Vagner and his wife experienced what many of their Black colleagues experienced when attempting to purchase a home in their new community. Their efforts were thwarted at every turn by racial discrimination. Real estate agents steered them away from White neighborhoods. When Mrs. Vagner found a house that would soon be ready for occupancy, she approached the bank. She were told “that the house, even once available could not be sold to her.”¹⁷⁸

The Vagners next attempted to buy property to build a home. The owner of the lot “met us at the door with the deed in her hand” but quickly withdrew the offer to sell. As the Vagners explained, “she was only contemplating selling, but someone got wind of it and the ‘For Sales’ (sic) signs started going up.” The Vagners eventually gave up and rented a home.¹⁷⁹

Dr. Vagner experienced similar hurdles when he tried to build an office. He had to use a white intermediary to buy the property. The selling price was inflated and the intermediary received the \$1000 price difference. This was a considerable amount of money when you consider that \$1000 in 1950 is the equivalent of over \$13,000 in 2025.¹⁸⁰ He had to get financing in Chicago because no local financial institution would loan him money.¹⁸¹

When Dr. Chamblee arrived in South Bend in 1953, both local hospitals were segregated.¹⁸² St. Joseph Hospital desegregated its patients first and Memorial followed two years later.¹⁸³ It was another five years before Memorial Hospital had a Black intern. St. Joseph Hospital had only one, Lawrence Bell.

Charlotte Huddleston, one of the City's first LPNs,¹⁸⁴ described the environment at Memorial Hospital:

“Well, I had patients that used the “n” word, didn’t want me to take care of them, these kinds of things. ..Then I had staff that would treat me...uh, very, you know like I wasn’t...¹⁸⁵



Image 8. Picture of Bobbie Durant. Taken from Katherine O’Dell. Our Day: Race Relations and Public Accommodations in South Bend (Wolfson Press

Ms. Huddleston worked at Memorial, but at the time St. Joseph Hospital had more Black patients and staff. Black patients were uncomfortable at Memorial (called Epworth at the time) “because they knew the reputation.”¹⁸⁶ Blacks just “wouldn’t go there. I mean they just felt very uncomfortable.”¹⁸⁷

Like Charlotte Huddleston, Bobbie Durant also pursued a career in nursing. Durant was originally rejected from both St. Joseph and Memorial Hospital. When Durant got her degree and first applied to Memorial Hospital, she was rejected because the director of the hospital “didn’t know how it would be to work at a hospital with black nurses.”¹⁸⁸ Helen Pope also worked as a nurse and made it her mission to continue working at these hospitals, despite their discriminatory hurdles, because she believed that she was getting her foot in the door for other Blacks who wanted to work in similar jobs.¹⁸⁹ Helen Pope’s husband, James Pope, worked for the postal service and later owned a barbershop on Linden Avenue.¹⁹⁰

B. The Medical Industry

One cannot fully understand the history of discrimination in the medical profession simply by looking at what happened in South Bend. Medical care is intrinsically linked to the history of medical science and the training of medical personnel. Therefore, an adequate history must briefly explore this larger history. The story begins with the slave trade and the important role doctors played not just in providing the medical care that allowed slaves to be enslaved, but also in how they used slaves for medical experiments.¹⁹¹

Multiple examples of this abuse have been documented, a few of which are recounted here. Dr. J. Miron Sims experimented on three enslaved persons in Alabama in the 1840s: Anarcha,

Lucy, and Betsey. The women endured multiple gynecological experiments without anesthesia or consent and, as a result, Dr. Sims was named the “father of modern gynecology.”¹⁹² In 1793, Dr. Benjamin Rush sent only Black healthcare workers into Philadelphia to deal with the yellow fever outbreak, which is why “it was mostly Black volunteers, rather than White nurses and doctors, who died caring for victims of yellow fever.”¹⁹³

The use of Blacks as subjects of research did not end when slavery ended. The most famous, or perhaps infamous, example is that of the Tuskegee Syphilis study conducted by the U.S. Public Health service beginning in 1932 and lasting over forty years. Six hundred Black men, half of whom had latent syphilis, enrolled under the pretense of being given free medical care. In fact, they were given placebos even after a cure was available. 128 of the men died.¹⁹⁴

Another important story is that of Henrietta Lacks. She received treatment at Johns Hopkins University in 1951 for a malignant tumor in her cervix. Tissue was taken from that tumor without her knowledge or consent. The tissue was then patented, generating millions of dollars in profit for researchers that neither Ms. Lacks nor her family ever benefited from. Her tissues have been used in research for decades without compensation.¹⁹⁵ These are only a few of many examples of Black patients being used for medical experimentation. It is not surprising that the Black community does not trust the medical community.

Unfortunately, racism is also deeply embedded in the history of medical training in the United States. The American Medical Association commissioned the Flexner Report in 1910 in order to review AMA accredited medical schools. The report is explicitly racist. In the chapter titled “The Medical Education of the Negro,” the report points out that “medical care of Negroes will never be wholly left to negro physicians.” But, “[T]he practice of the negro doctor will be limited to his own race.” It then goes on to explain how “the negro must be educated” because as “a potential source of infection and contagion” he must be taught “to practice fundamental hygienic principles,” so as not to contaminate Whites with disease. It then stresses the importance of training Black doctors in hygiene as opposed to other areas of medicine so they could help keep the White population safe from the perceived unhygienic Black population. According to the report, “[a] well-trained negro sanitarian will be immensely useful; an essentially untrained negro wearing an M.D. degree is dangerous.”¹⁹⁶ It then recommended the closing of all but two medical schools that accepted Black students, a recommendation that was soon adopted.¹⁹⁷

This, however, was not the medical profession's most damaging contribution to racism. British and American scientists founded eugenics, a field that advocated for selective breeding to promote White, racial superiority.¹⁹⁸ These ideas of racial superiority and racial purity were not fringe ideas. On the contrary, they were "widely held and taught in Universities."¹⁹⁹ Experts argue that these beliefs led to scientific racism, "an organized system of misusing science to promote false scientific beliefs in which dominant racial and ethnic groups are perceived as being superior."²⁰⁰

The false conclusions of eugenics have endured in scientific racism. They influence how the medical profession reacts to and treats patients today. For example, research tells us that medical professionals routinely discount the symptoms of Black patients, especially how they experience pain.²⁰¹ One study showed that doctors underestimate the pain of Black patients nearly half the time.²⁰² Several people who attended the Commission's public forums mentioned personal experience with this bias. This difference in treatment is rooted in the false beliefs and stereotypes of eugenics.²⁰³ A survey of 418 medical students showed as many as half had false beliefs about biological differences between black and white patients that caused them to inadequately treat the pain of Black patients.

It is also reinforced by training. A 2014 textbook used to train nurses explains that different ethnic groups react to pain differently. Black patients, according to this book, "report higher pain intensity than other patients."²⁰⁴ This combination of bias training and false prejudicial beliefs inevitably leads medical professionals to discount the pain complaints of Black patients. An example of this was seen recently in Indiana. A young Black mother went to a hospital in labor and "writhing in pain."²⁰⁵ She was examined by a nurse, told she was not really in labor, and sent home. She gave birth in her car eight minutes after being discharged.²⁰⁶ She was sent home because the nurse did not believe her patient's description of labor pains.

V. Post World War II

When World War II ended Black soldiers returned home to a country that did not always welcome them.

A. Returning Veterans

Dr. Chamblee landed on the beaches of Normandy as a medic. He returned to South Bend after the World War II with a medical degree.²⁰⁷ He described his first home in South Bend as being in the ghetto. He had rented it sight unseen for several months to make sure it was

available when it was time to relocate to South Bend. When he arrived in 1953 in very bad condition, with wallpaper hanging off the walls and uneven floors.²⁰⁸ Dr. Chamblee knew he did not want to stay there and began looking for new housing. He first approached the hospital he worked in, but they were unable to help. He made several attempts to view houses but was consistently steered away from the homes he was interested in and encouraged to look in segregated, Black neighborhoods.²⁰⁹

He continued to look for a house to buy without the assistance of a real estate agent and became interested in a property located on Twyckenham and Corby. Things seemed to be going well until the seller's agent called to ask if he was an associate of Dr. Vagner, another Black physician in town. The question was clearly meant to determine if Dr. Chamblee was also Black. Once he knew, the real estate agent told Dr. Chamblee that the family would not sell to him.²¹⁰ He moved on, this time identifying a home on Ironwood. He decided to avoid the real estate profession and instead simply examined the home from the outside. He was unable to view the inside of the property. Dr. Chamblee mentioned the home to his friend Conrad Kellenberg, a White law professor at Notre Dame Law School, and expressed the frustration he felt being unable to actually view and purchase the property. Professor Kellenberg bought the home and sold it back to Dr. Chamblee for a dollar.²¹¹

That, as Dr. Chamblee explained, was when

“everybody got upset. Somebody shot my house up, the first month I was there. Through my kids' bedroom, the dining room, the bathroom, my bedroom. And I called the state police and came out and told me the guy probably shot from the road. There were 8 shells laying right there, 20 feet from my house. Now where would you think that came from? He said, “are you familiar with guns?” I said, “yeah I served 4 and a half years in the service...Never did find out who did it.”²¹²

The end of the war also created problems for many of the Black war industry employees who had to surrender their high-paying industrial jobs to returning White veterans, whether willingly or not.²¹³ In March of 1945, Indiana Governor Gates signed the Fair Employment Practices Act “to discourage, (sic) the practice, when and where found, of denying employment by discriminating against employees on account of race, creed, color, national origin or ancestry.”²¹⁴ The law, however, was only “advisory” and had no enforcement mechanism, making it an empty promise to those experiencing discrimination.

This decree did not prevent Blacks from being excluded entirely from certain professions. Jack Reed was born in 1939 and moved with his mom from Tennessee to South Bend.²¹⁵ He started working at the age of twelve, cutting grass and pulling weeds. While cutting the grass at neighbors' houses, people would sometimes direct racial slurs at him. Jack Reed really wanted to be a police officer; but, at that time, the Indiana State Police did not hire Black officers.²¹⁶ The police force, while noting that he made a great candidate, explained they were not ready for a Black officer. Instead, Reed got a job with the South Bend Fire Department and later became the first Black Battalion Chief in South Bend. His position in the fire department did not end the discrimination he experienced. For example, at one point, Reed was denied insurance because of his race.

Reed went on to work for the city of South Bend, including as Deputy Mayor, under Mayors Joe Kernan and Steve Leucke. Reed believed that taking this position would make it easier for other Blacks to reach higher positions in the City. Unfortunately, some White people he spoke with instead saw his position as proof that all racial issues in South Bend had been solved. They had not.

B. Discrimination in Public Accommodations

While in the south, Mr. Reed remembered seeing signs that said, "Whites Only." But he noted that in South Bend the segregation was implied and warned about. You learned where you were not welcome, even if there was no sign on the door announcing it. Many families like the Reeds fled from Jim Crow laws in the South, only to find Jim Crow more subtly enforced in the North through practices, policies, and traditions.

Martha Ann (Suggs) Spencer, a resident of South Bend, moved North with her family as a young child. In her book, *Suggs Black Backtrack*, she recounts family stories of the hope for a more prosperous future for her family, while still encountering segregation's effects.²¹⁷ An unfortunate number of South Bend businesses adopted these Jim-Crow era practices, withholding service from people of color. Many oral histories from local Black citizens include testimony that the South Bend businesses denying service to them did not always do so explicitly. Much of it came from word-of-mouth and people warning others.²¹⁸ Some noted that they just felt that they were being excluded, even describing that feeling as "osmosis."²¹⁹

[T]here was kind of like...probably an unwritten, unspoken code and you knew...kind of where you can go and where you can't go, where you should go and where you shouldn't go. And I don't remember anybody just

telling me, “You can’t go there.”...or someone stopping me and saying, “You can’t come in.” I just didn’t.”²²⁰

For many years, Jim Crow in South Bend—both implicit and explicit—deterred many Blacks from using public, business, and recreational spaces available to Whites.²²¹

South Bend resident Elizabeth Fletcher Allen was an attorney and member of the NAACP.²²² Along with her husband, J. Chester Allen, she formed a group of lawyers that tried the case *State of Indiana v. Clarence Kale* to test Indiana’s Civil Rights Law.²²³ Clarence Kale managed Hook’s Drug Stores, which denied service at the lunch counter to two Black women.²²⁴ In 1941, Kale was found guilty in the City Court of having violated this law. After appeal, the case was re-tried in Superior Court and ended in a mistrial. Years later, Elizabeth Fletcher Allen served as a Superior Court Judge pro tem (substitute), the first African American woman to do so in South Bend.²²⁵ Despite her efforts, businesses continued to discriminate against Blacks.

The following businesses—including restaurants, taverns, and stores—had reported incidents of either discrimination or segregation on the basis of race:

- **Club Oliver**²²⁶
Refused to serve Blacks
- **Colfax Theater**²²⁷
Blacks had a designated seating area and could not sit in the same spaces as whites.
- **F.W. Woolworth**²²⁸
Refused counter service to Blacks
- **Giuseppe’s Pizza**²²⁹
Refused service to Black patrons. The waiter who refused such service was later held accountable under state anti-discrimination laws.
- **Kreamo Bakery**²³⁰
Would not hire Black drivers for a time



- **LaSalle Hotel**²³¹

A singular account noted that LaSalle served Black patrons separately from Whites. No elaboration provided as to how this was done.

- **S.S. Kresge's**²³²

Would not let Blacks sit on lunch counters.

Reported that cups used for Black were painted black at the bottom.²³³



- **The Philadelphia**

White-only space.²³⁴

African American janitor that worked here was not allowed to eat at the restaurant.²³⁵

- **Thilman's Tap**²³⁶

Would not serve Blacks

- **W.T. Grant**²³⁷

Refused service to Blacks.



The Natatorium, the large “public” swimming pool on West Washington Street opened in 1922 and became the focal point of segregation controversy, rallying many Black residents to petition for relief. For the first 14 years of its existence, Blacks were not allowed in the doors.²³⁸

In 1936, after J. Chester Allen and others led a campaign to allow Blacks to use the pool. The City relented and permitted Blacks to swim one night a week, on Mondays.²³⁹ It was not until 1950, and further public action led by J. Chester Allen, that the City of South Bend finally ended official segregation at the pool.²⁴⁰ Many Black citizens reported instances of either official or unofficial discrimination continuing at the pool in the 1960s and early 1970s. The Natatorium

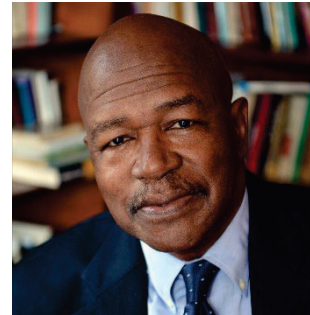


remained open until 1978, when the City chose to close it rather than invest substantially to repair the then-crumbling structure.²⁴¹

C. Personal Testimonies

The Commission interviewed several people who had grown up in South Bend and experienced discrimination based on their race. Some of those interviews are recounted below.

Elijah Anderson, Ph.D. was raised in South Bend, after his family moved to town from Mississippi as part of the great migration. His father worked in the foundry at Studebaker²⁴² while his mother worked as a domestic in White homes. He attended Linden Elementary School and graduated from Central High School in 1962 before attending Indiana University (BA), the University of Chicago (MA) and Northwestern (Ph.D.). Today he is the Sterling Professor of Sociology and African American Studies at Yale University. He is a preeminent scholar of racism, racial discrimination, and their effects upon individuals and communities, and he has written movingly about his own personal experiences (and those of his family) in South Bend.



In 1972, Dr. Anderson published an article titled “Black Shadow Politics in Midwestville: The Insiders, The Outsiders, and The Militant Young.”²⁴³ Although purportedly about a fictional town, Dr. Anderson later revealed that it was about South Bend. In his interview, Dr. Anderson spoke of other examples from South Bend woven into his other works, including his most recent book, *Black in White Space*, in which Dr. Anderson described his childhood in South Bend. His experience working for a White-owned typewriter company gave him access to many White-owned businesses. Among them, he recounted the following interaction.

“Once when changing a typewriter ribbon at a large real estate company, I asked the elderly founder why there were no Black people working in his business. He said candidly that his current employees would quit if he hired Black people.”²⁴⁴

Dr. Anderson also recounted his mother’s personal encounter with racial discrimination in the workplace in South Bend in the 1950s:

This was around 1957. My mother, Carrie Hull, worked at a well-known store on the south side of town that sold furniture and appliances. She was a cleaning lady there. All the rest of the employees were White, including all the salespeople and secretaries. She’d dust the furniture, clean the bathrooms and floors, empty the trash and make the coffee. Along the way,

she made friends with the white secretaries and would share stories and jokes with them.

She had worked there for a year or so when, one day, she went to one of the bosses, John, who had been friendly with her and whom she knew on a first-name basis. She said, “John, I have an idea. I never see Black people in this store. I know they like to buy furniture and televisions and washing machines. The store is open late – until 8 or 9 most evenings. What if, after I put in my full day’s work, I stick around and help sell furniture and appliances to these people? What do you think?” John responded warmly. He told her that he liked the idea and wanted to try it.

My mother came home that evening very excited and told my father and us all that she was going to be a sales lady – a step up from her cleaning position. We were all excited for her. The next day or so she had some cards made up with her name and the name and address of the store. She was an usher at St. John’s, and that Sunday she gave cards to all her friends and told them to come and see her there in the evenings, between 5 and 8, and she would help them get a fair deal on some great furniture and appliances.

The next week, she brought some Sunday clothes with her to work and, at 5 p.m. she would “jump sharp,” as she called it – change out of her cleaning uniform into nice clothes to be a sales lady. Her friends and their friends started showing up and sure enough she helped them select TVs, furniture, and washing machines. Things went very well, and she was doing quite a bit of business.

After about 2 or 3 weeks, John called her into his office. He said, “Listen. I’m afraid we must revisit this thing with you selling in the evenings.” My mother was crestfallen. She was very direct and said to him, “John, I didn’t know you were like that.” “Like what?” he asked. “Prejudiced,” she said. “Oh, I’m not. I like you, Carrie, and I like having Black customers. It’s the salesmen. They are just not comfortable with all of this. I can’t afford to lose them.” So that was it; she had to stop.

I never saw my mother so deflated as when she came home that evening. It had meant a lot to her, with her friends at church and all, and it took quite a toll. She had believed that all these nice White people at the store were her friends. She continued to work there for several weeks, but she soon found that she couldn’t fully participate in the joking and camaraderie she had experienced before. Something had changed and, a few weeks later, she quit.²⁴⁵

Mrs. Hull went back to domestic work for a while but did, in later years, run her own store on the South side, the old Fishers' grocery store, near the intersection of Chapin and Monroe Streets.

Elmer Joseph came from a relatively wealthy Black family.²⁴⁶ After serving his country in World War II, he returned to South Bend to find a job. He worked in the Studebaker factory for a year, later deciding to start his own tavern on the West side. Joseph remarked that the Black police officers all worked in that area because Black officers could not arrest Whites. Joseph was a member of the All-American Democrats Club, an organization that supported candidates for office that pledged to help Blacks. Joseph also started an organization called the Mutual Self-Help Association, which taught Blacks how to save and spend their money, and also helped Blacks who had trouble getting employment. For example, Mutual Self-Help raised money to buy cheap cars for people who had no transportation to work. Joseph reported that the West side where he lived and worked was changed dramatically in 1968 when the City's "urban renewal," relocated or dramatically limited the successes of businesses there.

Alma Nesbitt Powell's family moved to South Bend from Memphis when she was two years old.²⁴⁷ Her father took a job at the Studebaker factory, one of the places already mentioned as willing to hire Black employees. Her parents also started a café on the corner of Kenmore and Jefferson Streets, which later expanded and evolved into a dance hall and event center.

She grew up helping in the family business. She loved school and, in particular, she loved to read. Her mother told her that she would have to work harder and do better because of her race. She followed that advice and did very well in school, graduating from Washington High School in 1961. She then studied at Indiana University, both in South Bend and in Bloomington, and graduated with her bachelor's degree. At the time, career options were very limited for women, but particularly so for Black women. Alma decided to become a teacher and went straight to work teaching fourth grade, while at the same time starting work on her master's degree, which she soon completed.

Powell encountered discrimination at several points along the way. While completing her student teaching, Powell was assigned to serve in an elementary school class for gifted and talented students, most of whom were White. She went up and knocked on the door of the teacher and said, "Hi! I'm Alma Powell and I've been assigned to you to do student teaching." The next day, she got home and there was a call saying that that teacher had "decided not to have a student teacher this year."

Powell persevered and later served as Assistant Principal at Central Middle School at a time – in the later 1960s – when public schools were beginning to integrate. Her role as a leader led to Powell serving on committees and as leader in the South Bend School Corporation’s desegregation efforts. She became the first Black woman to serve as Principal of a South Bend School when she was appointed Principal at Studebaker School. She later served in other administrative roles in South Bend before becoming the Assistant Director and later the Director of Curriculum instruction for Elkhart Schools.

Gail Brodie lived on Lake Street, in the neighborhood known then as “The Lake.”²⁴⁸ Her family moved to South Bend in 1952. At the time, the Lake was comprised mostly of marginalized communities including Black and Polish immigrants. All were families of lower socio-economic status. Brodie recalls the area as safe and enjoyable, but the streets in her neighborhood were unpaved which made the area very dusty. Initially, finding employment was hard. Coming out of Washington High School in 1961, Brodie wanted to work as a secretary and ultimately management of an office. When Brodie went to Studebaker to interview for a clerical position, the hiring manager told her that her fingers were too nimble and that they worried she would break her fingers on the typewriter.²⁴⁹ A friend of hers, another Black girl, was told the same thing.

Brodie persevered and later worked her way up to become an executive director for Honeywell. She worked hard to advocate for change in South Bend and, in particular for the LaSalle Park Neighborhood, including serving as President of the community organization. Because of her activism and leadership, the City of South Bend later named a street after her.

Rev. Hardie Blake, who now serves as Pastor of Ardmore LaSalle Church of Christ in South Bend, is also a business owner, business leader, and mentor. Pastor Blake also grew up in the LaSalle Park area of South Bend, “The Lake.” In the 1950s, there were clear distinctions in how Black and White citizens were treated. Pastor Blake grew up in public housing projects before serving in the U.S. Air Force and then returning to start a family and work in business. After several years with IBM, Pastor Blake left and started Bethel Business Machines, which later evolved into a group of related businesses including Bethel Design. When he first started his business, he went to a South Bend bank to obtain financing and was told that his business was too small to get an SBA loan. Five years later, after he had considerable success, the same

banker told him that his business was too big to get an SBA loan. Pastor Blake was direct with the banker, saying:

Well, you know, you guys, pull the same old baloney, you know. I come in here, and right away, I can tell by what you say, whether you want to do business with me, and you're gonna look for a way to make that make it happen, or you don't want to do business with me, and you're gonna look for ways to keep it from me.²⁵⁰

Having faced and overcome such obstacles in the growth of his businesses, Pastor Blake has been a leader and business mentor, including in the South Bend's Black community through Project Impact, which provides training, education and mentorship to small business owners and entrepreneurs together with other young people and families.²⁵¹ Pastor Blake has also advocated for community-based redevelopment through co-operative businesses, through which neighbors would also be co-owners of their neighborhood stores and thus have the incentive to shop, support, and help them grow.

D. Beck's Lake²⁵²

Alma Powell, Pastor Blake, and Gail Brodie, along with many other members of South Bend's Black community, grew up at "The Lake." For much of the City's history, Beck's Lake was one of the few places Blacks could live. It is also the only one of the original ghetto areas that is still a cohesive neighborhood. It holds a very important place in the history of Blacks in South Bend and, as such, requires special mention.

The Lake, as it is known locally, is more of a pond than a lake, but that was not always the case. In fact, a 1919 article described it as an "inexhaustible reservoir of water."²⁵³ During the early 1900s it was also a very significant source of ice for the region.²⁵⁴ It has had several names over the years, including Stanfield Lake, because it was situated next to property owned by Judge Stanfield and Beck's Lake, due to the icehouse George Beck built along the lake.²⁵⁵ To locals, however, it is simply known as "the Lake."

In the 1920s, the City decided to drain the lake with the intention of building a large sewage project. They drained the lake, but the sewer project was never completed. This area, once a vibrant wetland full of wildlife, became a large marshy bog. The soil was too wet and unstable to support the weight of the proposed sewer pipes. The project was eventually discontinued and the lake was reduced to a pond.²⁵⁶ In the 1930s, Bendix and other neighboring factories began dumping toxic waste in the area. It soon became a dumping ground for anyone in the City.

When City officials were looking for a location for housing for the Black war workers in the 1940s, they settled on this LaSalle neighborhood. The neighborhood grew as people moved from the South for jobs at Studebaker, Bendix, and several other South Bend factories willing to hire Black workers. Despite this growing residential community, the area continued to be a legal dump for people in the City.

Lynn Coleman, a prominent South Bend resident who grew up at the Lake, explained the dumping activity.²⁵⁷ There was no City trash service at the time. Families had large containers where they would burn their trash and then dump the remains. Wednesday and Saturday were designated dumping days and people would bring their containers, often still smoldering, and dump them at the Lake. As a result, the dump was often on fire. Numerous newspaper articles in the 1950s discuss the problem of the continuous fires, some of which burned for weeks. Coleman describes summer days where the ground was so hot it would melt your sneakers, causing burns on your feet. The smoke and smells were so bad that people could not hang their clothes out to dry.²⁵⁸ It is important to remember that much of what was burning was the toxic waste dumped by neighboring factories. Legal dumping ended in the 1950s, but people continued to dump garbage illegally long afterwards.²⁵⁹

Along with the fires, the neighborhood was plagued with rats, large rats. Mr. Coleman described foot-long rats “and that did not include their tail” that would attack and kill dogs. The City embarked on a rat extermination program in 1953, but in 1967 newspaper articles indicate that the problem had not been solved.²⁶⁰ Infrastructure in the neighborhood was largely nonexistent. The streets were not paved.²⁶¹ Western Ave, the southern border of the neighborhood was technically paved, but Mr. Coleman described the street as having so many potholes it took fifteen minutes to drive even a short distance.²⁶²

In 1963 the City purchased the area and began to turn the dump into a park, but progress was slow.²⁶³ According to Lynn Coleman, it was the shooting of Melvin Phillips, a local high school sport’s star, by South Bend police officers in 1967 that finally prompted action in the area. The dump was turned into a park and, in 1968, The Charles Black Recreation Center opened.²⁶⁴

In 1984, Bendix reported its involvement in toxic chemical dumping at the Lake. The EPA became involved and throughout the 1980s did several assessments and some minor cleanup operations. It was not until 2013 that the area was added to the Superfund sites and prioritized for

cleanup.²⁶⁵ Yet, according to the EPA webpage for this site, the cleanup has yet to be completed. People have been living in this toxic environment for more than eighty years.²⁶⁶

VI. The Fight for Civil Rights

Discriminatory practices continued to make it very difficult for Black families to find housing in South Bend outside of the three slum areas: Maggie's Court, Beck's Lake (now LaSalle Park), and an area around Colfax Street. All three areas had subpar housing, unpaved streets, and lack of the infrastructure other areas of the City enjoyed.

William Morris, the first black real estate agent in South Bend, established the Williams Morris Agency in 1948.²⁶⁷ His goal was to assist black families become homeowners. The real estate professionals in South Bend refused to allow him to join, effectively blocking him from the multi-state listings. The South Bend Mishawaka Board of Realtors denied his application to join three times between 1954 and 1964.²⁶⁸ In 1964, he filed a lawsuit in St. Joseph County Superior Court alleging that he had been denied access to the Board of Realtors and the Multiple Listing Services because of his race.

On March 10, 1967, Judge Dempsey ruled that the Board of Realtors had acted improperly, but not because of racial discrimination. Instead, the judge found that denying Mr. Morris's admission to the organization had violated Indiana's Anti-Monopoly Act of 1907 because the Board had not given a reason for the denial.²⁶⁹ While the decision was technically in Mr. Morris's favor, it failed to address the real issue: racial discrimination. It also did not gain Mr. Morris membership in the South Bend Mishawaka Board of Realtors. It denied his fourth application on September 15, 1967, citing a number

WILLIAM MORRIS

William Morris was another important figure in the history of racial discrimination in South Bend. Morris grew up in South Bend. He graduated from Central High School in 1939. After graduating, he joined the Army Air Corp, served during World War . He returned to South Bend and founded the William R. Morris Real Estate Agency. In 1969 he became the national director of the National Association for the Advancement of Colored People. He served in that roll until 1977. He would subsequently work at the Federal National Mortgage Association as a Special Advisor to the President on Urban Affairs as well as the director of the National Association of Real Estate Brokers. He died in 1999 at the age of 77.¹

of unconvincing reasons for its decision. Morris published a rebuttal in November of that year.²⁷⁰ He never joined the group.

Despite the setbacks, Morris remained committed to providing homes for Black residents of South Bend. Housing developments during this time were not open to Black families. He decided to take matters into his own hands and purchased property on the east side of South Bend. He created Chalfant Heights, a housing development where Black families could live.²⁷¹

The federal government's discriminatory policies were substantial, but it took actions at the local level to fully implement this segregationist ideology. The real estate industry was all too eager to assist. Racial segregation was the official policy of the National Association of Real Estate Boards whose code of ethics stated: "[a] Realtor should never be instrumental in introducing into a neighborhood a character of property or occupancy, members of any race or nationality, or any individuals whose presence will clearly be detrimental to property values in that neighborhood." This so-called ethical duty could not be overruled by either "instructions nor inducements" by their client.²⁷² It was an ethical violation for a real estate professional to sell a property to "someone whose race or ethnicity might disturb the neighborhood or its property values."²⁷³ Although these rules were removed from the official code in the 1950s, they remained an unwritten gentleman's agreement in the industry for decades afterwards.

It was not until 1960 that the South Bend and Mishawaka Board of Realtors published a "statement of position and principles," somewhat acknowledging its role in racial segregation.²⁷⁴ The statement recognized that realtors have "no right or responsibility to determine the racial, creedal or ethnic composition of any area or neighborhood."²⁷⁵ At the same, it also claimed that real estate professionals must abide by the wishes of their clients who may or may not want to sell homes to nonwhites in White neighborhoods.²⁷⁶ In practice, their influence in preserving White neighborhoods for White residents persisted well beyond 1960 and, according to the stories told to Commissioners at our public meeting, remain to this day.

Mrs. Carol Dillon testified at Public Hearing Concerning Discrimination in the Sale, Rental, and Financing of Private Housing in South Bend on March 19, 1963, about her parents' attempt to sell their home. Her parents contacted a real estate agent in the City and told him they "would be willing to sell to anyone, Negro or white."²⁷⁷ The agent refused to list the property with these conditions because the house was in a White neighborhood. "White families find out if our

agency does that sort of thing and it hurts our reputation and our business.”²⁷⁸ This was many years after the Board of Realty claims it changed its policy.

Real estate agents were not alone in supporting discriminatory practices. Lending institutions worked hand in hand to restrict housing for Blacks. In 1957, Professor Adam Arnold jr. was offered a job as the first Black professor at the University of Notre Dame’s Business School.²⁷⁹ He hoped to purchase a home near Perley School and the University. Each time he and his wife approached a real estate agent about an advertised property, that property was taken off the market to avoid selling it to a Black family. They, like many others, decided to build their own home and purchased property on the west side of Twyckenham Drive, an informal racial dividing line at the time. The banks had a policy of refusing to lend more than \$15,000 for any property on that side of the street, so the project fell through.²⁸⁰

They located a home they liked in the 500 block of Corby, but the real estate agent refused to show it to them. By chance, they found the owner in the front yard one day and asked him about the property. He was upset that his real estate agent had refused to show them the property, so he gave them a tour himself. They made an offer, which he accepted. When notified of the transaction, the real estate agent took down his signs and refused the commission because he did not want the other members of the Board of Realtors to know he sold a home to a Black family in this predominantly White neighborhood.²⁸¹ Recall that this was seven years after the Board of Realtors removed their rules enforcing segregation.

Some Black families in South Bend were unwilling to give up on their dream of home ownership. They turned to creative methods to obtain housing by hiding their racial identity to circumvent the discriminatory practices of the time. In the 1950s, a group of Black Studebaker employees created a secret co-op, Better Homes of South Bend.²⁸² Working through a White lawyer, George Sands, they were able to obtain deeds to 18 lots.²⁸³ Buying the lots was the first step, but building the homes proved more difficult.

The group had managed to purchase the land through this subterfuge but needed contractors to build the homes. The most prominent in town was Colpaert, the same Colpaert known for his racist views and partially responsible for the HOLC classifications that had shut most African-Americans out of the housing market. Mr. Colpaert did not have a good reputation in the Black community. He was known for building nice homes for Whites, but shoddy homes for Blacks.²⁸⁴ One resident whose home he had built in LaSalle Park referred to the homes he built for Black

families as “plaster board box” homes.²⁸⁵ Unfortunately, other contractors used the same practices. Place and Co, for instance, “was known to use two-by-four wood construction for white and only one-by-four for black homes.”²⁸⁶ Better Homes persevered and, in what probably felt like a miracle, eventually succeeded in building twenty-two homes in the 1700-1800 block of North Elmer Street, creating a vibrant and stable community for Black families.²⁸⁷

A. The Open Housing Movement

Organized efforts for anti-discrimination legislation began in South Bend in 1955 when William Morris launched the Institute for Minority Housing.²⁸⁸ It was a loose collection of people that were advocating for open housing policies. In 1961 a more formal organization, the South Bend Mishawaka Citizens for Fair Housing Committee, formed and embarked on a full-scale campaign for fair housing.²⁸⁹ In 1962, the related South Bend-Mishawaka Citizens for Fair Housing Committee formed with the explicit aim of enacting open housing legislation in South Bend.²⁹⁰

According to the group:

Most of the 14,000 Negroes live in five areas of South Bend, These areas lie north of Western Avenue; west of Olive Street; along West Washington Avenue; between Western Avenue and Sample Street west of Prairie Avenue; in the neighborhood of Ohio and Keasey Streets; and in northeast South Bend along South Bend Avenue.²⁹¹

These “are the only areas...in which Negroes can live.”²⁹² The committee sponsored hearings on March 19, 1963, at the Notre Dame Law School. Residents of South Bend appeared and testified about the discrimination they faced in the South Bend housing market. The witnesses at those hearings as well as the citizens who appeared at this Commission’s public forums told very consistent stories about the housing discrimination they experienced in South Bend. Many of these testimonies are recounted throughout this report and all corroborate the pattern of discrimination that existed across the City.

Bernard Street gave one such testimonial. After graduating from Central High School, Mr. Street attended Indiana University, followed by graduate school at the University of Michigan. He completed an enlistment in the military and returned to South Bend in 1960 to work as a microbiologist.²⁹³ At first, he sought to rent a place to live. He replied to an advertisement for a house. After identifying his family as “Negroes” the landlord “said she couldn’t rent it to us

because ‘her neighbors would tear her hair out.’ And she hung up.”²⁹⁴ Despite repeated effort, the Street family was consistently turned away from rental units because they were Black.²⁹⁵

Mr. Street decided to purchase a home instead, something that proved an even bigger challenge. He went to look at the Engendoerfer residence on Ironwood, a home for sale by a White family in a White neighborhood.²⁹⁶ The Engendoerfers hired William Morris to sell their home, not knowing or caring that he was Black.²⁹⁷ Soon after showing the home to the Streets, bricks were thrown through the windows of the house.²⁹⁸

After the incident, the Engendoerfer family was visited by a City official:

“Yes. The city councilman came out. He showed me some kind of a badge. I don’t recall now just what it was. I don’t think I paid so much attention to it when he came because I was expecting things like this to happen. I let him in the house. The first thing he said was that it was a disgrace that the hillbilly people had to move in to South Bend. I said that I had been here since I was eleven, so I don’t think I’d be counted as a hillbilly anymore. Even if I am, I’m still pretty proud of it. And I said my husband was born right here in your city, so I don’t think you could call him a hillbilly. He went on to tell me that there would be trouble, he knew, because the neighbors has called him. He said we could expect no protection from the police now when this all gets going good.”²⁹⁹

Soon afterwards, the Engendoerfers’ seven-year-old son was attacked by seven neighborhood teenagers. He was dragged into an alley and beaten until he began hemorrhaging. They dumped him back in his yard. He spent two weeks in the hospital. As predicted, the police were of no help. Mr. Engendoerfer’s employer also received telephone calls urging him to pressure the Engendoerfers not to sell their home to a Black family and not to use a Black real estate agent.³⁰⁰ Mr. Street finally gave up, obtained land, and built a home in Michigan.³⁰¹

The Streets were far from alone in their struggle to find suitable housing in South Bend. In her oral history, Barbara Brandy recounted her two-year struggle to buy a home.³⁰² She spoke of finding numerous homes she was interested in, only to be told each time that “there is a bid on the house.”³⁰³ Her husband would question why the for-sale sign remained if there was a sale pending, but his questions were never answered, nor were the homes taken off the market. She was finally able to purchase a home on Huey Avenue with the help of a real estate agent, Peter Gillis. She commented that the reason she was successful may have been because the family was facing foreclosure and perhaps a bit desperate.³⁰⁴

Mrs. Brandy also described what typically happened when a Black family moved into a previously all-White neighborhood. As soon as that occurred “the signs went up” as White families fled the neighborhood.³⁰⁵ Soon, she said, the neighborhood was all Black.

What Mrs. Brandy described could well be an example of a common practice at the time: blockbusting.³⁰⁶ Blockbusting was the practice of real estate agents creating panic in neighborhoods, encouraging people to sell quickly for low prices. The properties were then resold to Black homebuyers for inflated prices.³⁰⁷ In 1965, Indiana’s Housing Advisory Committee started an information campaign to try to discourage blockbusting in the state.³⁰⁸ While the Commission did not find any direct evidence of blockbusting practices in South Bend, it was certainly a practice in our region and contemporary testimonies suggest it was operating here as well.³⁰⁹

Even socially prominent families like the Dickinsons experienced racial discrimination. Senator Dickinson’s daughter Pat would recount her own struggles with housing discrimination in South Bend in hearings held at the Notre Dame Law School.³¹⁰ In 1961 she and her husband attempted to purchase a home in Riverside Manor. They answered an advertisement that specifically mentioned the availability of V.A. loans. Pat’s husband was a veteran, having been wounded serving in the Korean War, and would likely have qualified for the loan.³¹¹ She was left sitting in the waiting room for nearly three hours before being told that the homes would not be sold to Blacks.³¹²

They, like so many others, did not pursue the issue. Few people complained about this pervasive discrimination because, even if they did, they received little assistance. Another family that had been turned away from Riverside Manor, however, did register a complaint with the Federal Commission on Civil Rights in Washington, D.C.. On August 29, 1961, they received the following response: “I am informed by the Veterans’ Administration that its investigation reveals that the builder involved does pursue a discriminatory sales policy. The V.A. says, however, that it does not have authority at the present time to take any action against the builder.”³¹³

The Servicemen’s Readjustment Act of 1944 was intended to provide returning W.W.II veterans a range of benefits to help them reintegrate into society. Among them was the promise of a low-cost mortgage.³¹⁴ While the act was responsible for one of the largest economic booms in American history for White families, the same could not be said for the families of Black veterans.³¹⁵ Researchers have shown that racist housing policies locked Black veterans out of the

promised V.A. loans.³¹⁶ Between 1930 and 1960 fewer “than 1 percent of all mortgages went to African Americans.”³¹⁷ While statistics for WWI and Korea were not found, Black soldiers made up roughly 11 percent of the soldiers in WWII.³¹⁸ The number of African Americans who served in subsequent wars was equally substantial, especially with the lifting of racial segregation policies in the military. Many of the individuals who testified at the 1963 Hearing Concerning Discrimination in the Sale, Rental, and Financing of Private Housing in South Bend were veterans. None was able to access a mortgage loan, let alone a V.A. loan, because no one would sell them a home.³¹⁹

B. City’s Civil Rights Efforts

The City of South Bend’s first non-discrimination ordinance was passed by the South Bend Common Council on May 14, 1956 with strong support from Mayor Edward F. Voorde. It created the South Bend Fair Employment Practice Commission which covered employment discrimination, but this ordinance’s primary purpose was educational and aspirational-- eliminating “interracial friction” and promoting “interracial and cross-cultural relationships.”³²⁰ It did nothing to address housing discrimination.

William Morris is reported to have presented several complaints of employment discrimination to the Fair Employment Practices Commission.³²¹ Morris reported that, in 1954, St. Joseph County did not have a single Black person working as a sales representative.³²² This changed in 1957 when one Black woman—Lucille Thomas—began working the sales floor at Newmode Hosiery Shop. Occasionally, white customers asked for another representative to work with them instead of her. Thomas noted the shock of White patrons entering the store and seeing her there. Notwithstanding, some African Americans began to shop at Newmode because Thomas worked there.³²³

In the 1963 election, control of South Bend government flipped from the Democrats to the Republicans in part because of Mayor Bruggner’s support for open housing legislation. In a last-ditch effort to pass the legislation before the government changed hands, the Common Council introduced the act on November 12, 1963.³²⁴ The Board of Realtors immediately announced their opposition, offering instead a “Citizen Bill of Rights” that would guarantee that any property owner could sell or not sell their property to whomever they wished to.³²⁵ Groups opposing fair

housing efforts would continuously frame their opposition not as discrimination, but as a defense of property rights. They still do.

In 1964, the U.S. Congress passed and President Johnson signed into law the Civil Rights Act of 1964. Title VII of the Act (since referred to as simply “Title VII”) prohibited racial discrimination in employment. The following year, the South Bend Common Council reinforced its earlier non-discrimination ordinance by passing Ordinance No. 4820-65, which became effective January 1, 1966. The power to impose penalties in cases of employment discrimination was added and the City created a new Department to assist and support the work of the newly designated “Human Relations and Fair Employment Practices Commission.” Its first director was hired in April 1966.³²⁶ Even with penalty power, the Commission’s authority was limited. Although the Commission was working towards economic prosperity for Blacks, it was said that the failure to stop employment discrimination came from weak civil rights laws.³²⁷

In March of 1964, the Common Council defeated the open housing legislation again. However, faced with mounting demonstrations, newly elected Mayor Allen capitulated to some degree. He set up an informal committee where citizens could file complaints about housing discrimination, putting local attorney Thomas Signer in charge. The committee received more complaints than they were able to keep up with.³²⁸ Mayor Lloyd Allen was urged, but refused, to create a more permanent commission. Instead, he created a small committee on Human Relations, again chaired by Thomas Signer.³²⁹

In 1965 the City finally created a City department, the South Bend Human Relation and Fair Employment Practices Commission, but it lacked any real enforcement authority.³³⁰The

SENATOR DICKINSON

Senator Dickinson was born in Oklahoma in 1906. He moved to Kansas as an infant and was raised by a grandmother. Dickinson excelled in music. He was a tenor and, while in high school, won a gold medal as the best tenor in the state.

In 1924 Dickinson married Helen Bledsoe and they had four children. He attended numerous colleges before joining the Redpath Chautauqua as a soloist. His travels with the group brought him to South Bend in 1927. A year later, he settled in South Bend as a permanent resident.

Jesse L. Dickinson Collection 1911-1986, Indiana Historical Society, <https://indianahistory.org>

commission focused on changing attitudes and launched “Operation Open Neighborhoods” whose two-pronged mission was to dispel racial myths and change attitudes about integrated neighborhoods.³³¹

In 1968, a Republican member of the Common Council surprised many by introducing fair housing legislation and putting it on the February agenda. The mayor and others jumped in to support the legislation. Eugene Pajakowski, the Democratic candidate for mayor, opposed it on the grounds of preserving homeowners’ rights.³³² Mayor Bruggner, a Republican, was elected in 1968. Opposition to the proposed legislation came largely from the Board of Realtors, who throughout the process opposed the idea that homes should be available to whoever wanted to purchase them. A March 25 Common Council meeting saw an overflow crowd of citizens, many of whom came to support the legislation.³³³ On March 26, 1968, the City voted in favor of an ordinance that would prohibit “discrimination in the sale, rental, and financing of real estate.”³³⁴ Nine days later Reverend Martin Luther King was assassinated. A week after that, President Johnson signed the Fair Housing Act into law.³³⁵ Open housing, or as we refer to it now, Fair Housing, was now the law of the land. Enforcement of that law was an entirely different matter.

C. State Civil Rights Efforts



Jesse Dickinson is another important figure in the struggle for housing rights in Indiana. In 1943 he was elected to the Indiana House of Representatives where he served six terms. He followed with two terms in the Indiana Senate. He worked tirelessly both in the local community and the Indiana State Assembly to establish civil rights, and specifically, housing rights for Indiana residents. He served on numerous boards and commissions and was awarded the “Sagamore of the Wabash” award by Governor Walsh, one of the state’s highest honors.³³⁶

The efforts to address civil rights in Indiana began shortly after Representative Dickinson joined the Indiana House of Representatives. In 1945 the legislature created the Fair Employment and Labor Act, but it would be another sixteen years before fair housing was addressed.³³⁷ The Fair Employment Act of 1945 empowered the Department of Labor to address

discrimination in employment.³³⁸ This eventually became the Indiana Civil Rights Commission.³³⁹ In the meantime, efforts for “open housing,” the popular term for integrated housing at the time, continued in South Bend.

For more than a decade after WWII policymakers had tried and failed to pass civil rights legislation in Indiana. In 1961, in a much-watered down version of the original, the state of Indiana created a Civil Rights Commission with no real enforcement powers but charged to investigate and report on discrimination.³⁴⁰ In one of its earliest reports, the Civil Rights Commission reported on minority housing in South Bend, Fort Wayne, Anderson and Indianapolis.³⁴¹ The report found:

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”³⁴²

Numerous efforts were made over the next several years to enact broad civil rights protection. Acts addressing public accommodation, employment, and education passed but efforts to ban discrimination in housing stalled.³⁴³ In 1963 Governor Welsh organized a housing discrimination conference in an effort to jump-start the legislative effort. He encouraged voluntary action, telling housing professionals that “[i]f 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.”³⁴⁴ No action was taken, nor again in 1964 when a second plea was made.³⁴⁵

Finally, in 1965, over the objections of the Indiana Real Estate Association, a housing bill was signed by newly elected Governor Branigin.³⁴⁶ The bill had limited enforcement provisions but did allow for some cease-and-desist orders for publicly owned housing, federal housing, and apartment buildings of more than four units. While not nothing, it was not much. It would not assist the South Bend residents attempting to buy a home. It would be nearly thirty years before Indiana finally adopted enforcement provisions. It did so with the Indiana Fair Housing Act of

1991.³⁴⁷ Laws with no enforcement mechanisms offered little respite from the discrimination experienced in South Bend.

VII. Urban Renewal

Racist housing policies and the hasty creation of shoddy war worker housing was a problem across America. Federal officials decided that urban renewal was the solution to this crisis. Federal funding for urban renewal began with passage of the Housing Act of 1949 and continued with successive versions of the act.³⁴⁸ South Bend was one of the cities eligible for this funding. Unfortunately, what was called development or renewal actually resulted in the systematic destruction of minority communities. “By the late 1960s, an estimated 606 South Bend families had been displaced by urban renewal projects in South Bend.”³⁴⁹ Nearly three quarter of these were families of color.³⁵⁰

A breakdown of this displacement can be seen in the chart below:³⁵¹

Project	# of Families	Families Of color	White Families
Chapin Street	116	104	12
LaSalle Park	335	149	6
Sample Street	335	190	145

At some point the federal government stopped requiring displacement numbers, so we have no numbers for those displaced by the Linden School redevelopment or the six downtown urban development grants the City obtained.³⁵² However, these areas were two of the very few sections of the City where families of color could reside, so it is clear that many of those displaced were Black. As a local attorney noted at the time:

This urban renewal and urban redevelopment is, in the final analysis, the destruction of homes. The people offended by the Linden area project have spent years toiling and struggling to pay for their homes. They are upset. Talking about building low rent housing projects to place these homeowners in and renting the projects to them instead of allowing them

to remain in their homes that they have paid for seems unjust and unreasonable.”³⁵³

When redevelopment occurred, families had to be relocated. This was particularly difficult for families of color, as the testimony of Mrs. G.L. Ivory reflects. Mrs. Ivory was a social worker for the South Bend Renewal Authority from 1960-1962. She testified about efforts to try to find housing for families who were displaced by the City’s urban renewal programs. Mrs. Ivory made “an average of 75 calls every week” trying to find housing for black families.

90 percent of the people she called replied as follows:

“Oh no, it’s for white only”

“I’m sorry, we don’t rent to your people.

“Just for white only”

“Oh no, honey, not to your people.”³⁵⁴

Families who had endured the incredible struggle to find housing found themselves evicted by the City and homeless once more. Dorothy Smith experienced this first-hand. Her family was displaced by the Maggie’s Court development. They were given a small amount of money in compensation which she used to try to buy a property by land contract in one of the few areas she could, an area near Sample Street. They were displaced from that location by another urban renewal project and moved to LaSalle Park. Here she was forced to buy what she referred to as a “plaster board box” from Colpaert Realty.³⁵⁵ In each step of the way the family lost their home and had few options for relocation.

Subsequent Federal Housing Acts linked urban renewal to the building of affordable housing.³⁵⁶ As early as 1942, the City committed to clearing the Maggie’s Court area, one of the worst slums in town, and building affordable housing. Community members raised funds and advocated for the projects, but other community members and City officials stalled the projects. In 1950, the federal government threatened a lawsuit if the project did not proceed. Community opposition increased.³⁵⁷ On February 27, 1950, the South Bend Common Council met to vote on a resolution on whether to continue the public housing projects on Maggie’s Court and K Ave. Thousands attended. The vote was a tie, with all Republican members opposing the project and all Democrats supporting it. The tie effectively ended the project that year.³⁵⁸

Throughout the 1950s, the South Bend City Council blocked efforts to build affordable housing. In February of 1950 they turned down a \$11 million federal grant because it was perceived to be for minority housing.³⁵⁹ In April, another \$3 million dollar grant was rejected for

similar reasons.³⁶⁰The Citizens Committee against Public Housing objected that public housing was socialist and U.S. servicemen had fought and died “so that democracy and the American way of life might live.”³⁶¹ This ignored the fact that many of the people needing the proposed housing had also fought in those wars, but had been prevented from obtaining housing because of racially discriminatory policies.

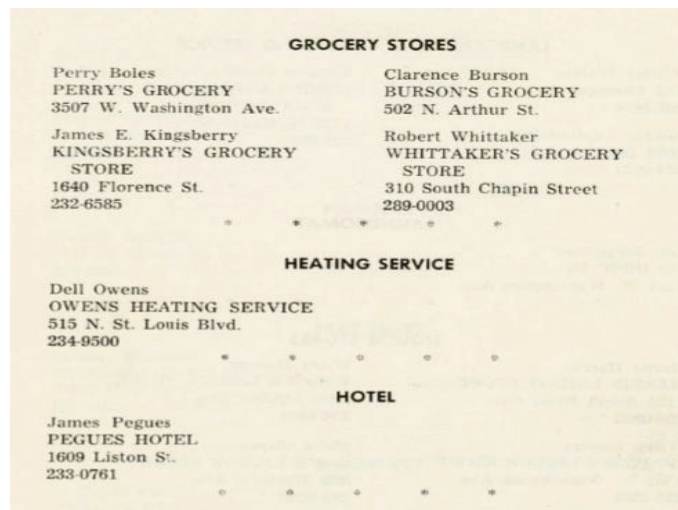
The Republican members of the City Council continued to block housing projects late into the 1950s. The Prairie Homes and B.G. Smith Homes projects were the next attempt by the housing authority to redevelop war housing. Local builders wanted the properties sold to developers instead. Again, in a 4-4 tie, the project was defeated. The housing authority was required to either sell the property or give it to the tenants. Residents of Beacon Heights and Southmore Heights organized and were able to take over the properties. The result, however, was to displace many African American families for years as projects came online slowly, if at all.³⁶² This was a recurring story throughout this period. Families were displaced with the promise of housing, but that new housing was never built. The housing shortage grew. It took another 6 years to break the deadlock.³⁶³

Before the 1970s, segregation and refusal of service (let alone employment) at most businesses in South Bend fostered the growth and expansion of a “Black business district” in South Bend.³⁶⁴ Looking back, residents today dispute the exact parameters of this district, but most agree it was centered around Liston and Birdsell Streets.³⁶⁵ Fueled in part by the Second Great Migration of the 1940s, the business district offered many services within walking distance for the Black families in this tight-knit area.³⁶⁶ The National Urban League reported that approximately 81 businesses in South Bend were Black-owned in 1958.³⁶⁷ The Urban League survey reported:

25 hotels, restaurants and taverns, 17 barber, beauty and dry-cleaning shops, 16 professional services (dentists, doctors, lawyers, undertakers), 9 retail stores (food market, liquor stores, and one drug store), 8 amusement centers (pool rooms), 5 garage and service stations, and 1 real estate and finance concern.³⁶⁸

According to historians and oral testimonies, many of these businesses catered to the Black community and were seen as “safe alternates” to white-only spaces.³⁶⁹ A restaurant known as “Big House,” located on Birdsell Street, had great success in the community.³⁷⁰ Mama Hodges, another restaurant, served customers on Main Street.³⁷¹ For many years, the South Bend

Mishawaka Area Chamber of Commerce published a pamphlet *The Directory of Negroes in Business in St. Joseph County* (later called *Directory of Blacks in Business*), which listed a variety of Black-owned businesses in South Bend.³⁷²



In *Placing History*, George Garner highlights four particular Black-owned businesses and their history, including Uncle Bill Harris's Café, Liston Hotel, St. Peter's Masonic Lodge, and Higgins/Haynes Funeral Home.³⁷³ Each of these businesses was located either on Linden or Birdsell street. Frankie's BBQ, located at 1621 W. Washington St., was founded in 1968 and is still operated by the same family. It stands today as one of the last remaining Black-owned businesses from that era.³⁷⁴

The "Black business district" in South Bend no longer exists, and there is no single reason why. Some point to governmental pressure, others to discriminatory bank financing, others to the "urban renewal" demolition projects in South Bend in the 1950s and 60s.³⁷⁵ Still others suggest that once businesses and neighborhoods started to become integrated (or less segregated) following the civil rights laws passed in the 1960s, Black businesses and customers naturally became less concentrated in that area of the City.

With respect to bank financing, Black business owners reported suffering the effects of redlining. For the same reasons that banks would not issue a mortgage loan with respect to homes and real estate in areas of the City where Blacks lived, banks would not issue business loans to businesses located in those areas, or even to businesses located elsewhere but whose

owners (whose homes would otherwise be collateral for a business loan, either directly or through a personal guaranty) lived in redlined areas of the City.

VIII. Human Rights Commission

The Reformer, started in 1967, served as a newspaper that catered to the Black community as well as other marginalized groups.³⁷⁶ *The Reformer* published a section titled “Free Legal Help” which noted “employment discrimination” as one reason people should contact the law firm of J. Chester Allen and Elizabeth Chester Allen.³⁷⁷ In 1967, the newspaper also highlighted community demands that included more vocational training opportunities.³⁷⁸ It referenced the Urban League as an organization that promoted jobs for Black South Bend citizens, adopting the slogan, “Not alms but opportunities.”³⁷⁹

On December 17, 1973, a new ordinance (5619-73) was passed which changed the Commission’s name to the South Bend Human Rights Commission – the name by which it is still known today.³⁸⁰ The 1973 Ordinance granted the Commission subpoena power and added sex to the list of unlawful bases for discrimination (race, religious creed, color, etc.) protected under this law. It also expanded discrimination protection to include education and public accommodation. The new ordinance also added “general compensatory damages,” to the existing actual damages of back pay and lost benefits.³⁸¹ Emotional distress is an example of general non-pecuniary compensatory damage.

The 1973 ordinance granted the director of the Human Rights Commission power to initiate complaints on behalf of a person or class of persons.³⁸² There is no record of this power being exercised, however, perhaps because federal agencies such as the Equal Employment Opportunity Commission (EEOC) and the Office of Fair Housing and Equal Opportunity (FHEO) of the Housing and Urban Development Department (HUD) had the same power with far greater resources.

In reporting examples of significant cases without name identification, the Human Rights Commission’s 1974 Report includes one (non-racial) sex discrimination case and one housing race discrimination case. In the latter case, a male Black person phoned a landlord in response to a news ad about an apartment. The Landlord replied that the unit was available and could be seen by the caller. When the caller arrived, the Landlord said that if he had known the caller was Black, he would have told the caller he would not be willing to rent to him, and that he had enough minorities in his rental units.³⁸³ The case was conciliated in writing by the Landlord

promising not to discriminate thereafter, to post equal opportunity posters inside and outside the rental unit development, and to report quarterly as to the name and race of all new tenants and the name and race of all minority applicants.

In South Bend, *overt* discrimination in the workplace (such as openly refusing to hire or promote Black workers, finding nooses in the workplace, hearing the “N-word” or other racial slurs or stereotyped statements such as “all you lazy people”) began to lessen around 1970 with more lawsuits and vigorous enforcement of the federal workplace anti-discrimination law (Title VII). The landmark U.S. Supreme Court case, *McDonnell Douglas v. Green* (1973) set the framework for proving workplace discrimination. Under that case, an inference of workplace discrimination exists if a Black employee can prove that in matters of wages, promotion, discharge decisions, or other material terms of employment, that employee was treated more adversely than a similarly situated non-minority employee. An employer can rebut the inference of discrimination by showing there was a non-discriminatory reason for treating the Black employee differently. Still, the employee can prevail by showing the employer’s reason is pretextual or not credible.

The South Bend Human Rights Commission was empowered to enforce Title VII. It partnered with the federal Equal Employment Opportunity Commission (EEOC) and continues to enforce this law. Although overt workplace racial discrimination became less frequent beginning in the early 1970s, workplace discrimination was not eliminated altogether. Instead, it continued more subtly.

Through the 1990’s and, to a lesser extent currently, the Human Rights Commission heard evidence that White direct supervisors continued to show favoritism to White employees, either because these supervisors held stereotypical, negative, but inaccurate beliefs about Black workers, or because the White supervisors were more congenial with their White workers. The prejudice of direct supervisors which adversely affected terms of employment for Black workers was often unknown to upper management or simply tolerated. That has gradually changed, especially among large or national employers, as upper management in more recent years has trained supervisory staff and established strong anti-discrimination policies and reporting practices.

Yet, statistical information furnished to the Human Rights Commission shows that while Black workers have fared somewhat better in the general workforce in the last fifty years, their numbers remain significantly lower in management, especially upper management positions.

Black worker membership in South Bend unions through the 20th Century was statistically lower than White membership based on population percentages. In the mid 1990's, young male Black trades workers (electrical and other trades) complained to the Human Rights Commission that they were regularly denied membership in local union apprenticeship programs. Membership in these programs was based on test results and personal interviews. Black workers were often denied membership at the interview level where the interviewers were White and longtime members of all-White local unions who had little past interaction with Black workers. The subjectivity of the interviews made intentional discrimination hard to prove, but the numbers showed a clear gap between Black applicants and actual Black union apprentices. Black worker membership in local unions has increased in more recent years, but the harmful effect of earlier discriminatory practices persists because of the time lost by Black workers in advancing to the highest union skill levels with the highest hourly pay rates.

IX. Beyond 1970s

A. Continued Overt Housing Discrimination

Unfortunately, we also heard evidence from several people that steering is still a practice in the South Bend real estate market. Several people who either moved to or relocating within South Bend came to meetings or contacted Commissioners to recount their search for housing. According to their testimonies, many real estate professionals in our area continue to steer White families to predominantly White neighborhoods and Black families to the west side of South Bend.

At our forums, several people also recounted how they were denied loans from traditional banks for loans because of their race long after such denials were clearly illegal.³⁸⁴ Below is just one of those stories, but one that stood out for a number of reasons. It was our first forum. Two men arrived together, one White and one Black, very eager to tell their story. It was a story they had clearly wanted someone to listen to for decades.³⁸⁵ The story took place in 1982, fourteen years after the passage of the Fair Housing Act.

The Black man had been a tenant at a home on Napier street for many years. The White man had been his landlord. After collecting rent for all those years, the landlord approached his tenant

and asked if he would be interested in buying the rental property. He even offered to apply all the previous rent payments to the purchase price. He offered to sell the home to his tenant for \$12,500. Thrilled by the offer, the tenant approached a local bank for financing. After taking all his information, the loan officer denied the loan, telling the tenant that the bank could not approve the loan because “that area is redlined.” Furious with the result, the landlord went to the same bank, this time pretending to be his tenant. He used his tenant’s employment information and income to apply for a mortgage. The bank approved the mortgage loan for the White landlord, the same loan it had denied for the Black tenant. The landlord decided to finance the sale of the property himself. The story has a happy ending. The tenant was able to purchase the property which he now rents out. The income and equity allowed him to purchase a second home where he now lives. While the result in the end was positive, it was clear listening to these men that more than forty years later, the injustice of this experience still haunted them.

Commission members heard similar stories from other people who tried to approach traditional banks only to be turned away because of their race. There is ample evidence that, despite the Fair Housing Act, discrimination in mortgage lending continued.³⁸⁶ These shared experiences created a lack of trust in traditional banking institutions in the Black community. Conversations with local bankers confirmed they are still trying to overcome this hurdle within the Black community. This mistrust was a contributing factor in the subprime mortgage crisis of the early 2000s, a crisis that devastated minority home ownership across South Bend.

B. Lack of Investment

The lack of City investment in traditionally redlined neighborhoods was raised at nearly every forum. A simple drive through the City verifies the problem. Streets are in worse shape, vacant city-owned properties lack sidewalks, and lighting is absent in many of the formally redlined areas of the City. The current system for evaluating roads to be paved focuses on individual streets and councilmember recommendations. This ad hoc system has left many neighborhoods with no repairs for years. When it was suggested that some streets appear to have gone unpaved for twenty years, one City official replied, “it’s been longer than that.” The lack of concern for certain neighborhoods has left residents feeling neglected and disconnected from the City.

Concerns were specifically raised about the lack of sidewalk maintenance along City owned properties while, at the same time, requiring residents to maintain the sidewalks bordering their

properties. This lack of maintenance causes hazards in the neighborhoods that have been the focus of this report. People attempting to traverse those neighborhoods have to deal with broken, uneven or absent sidewalks. This makes it difficult, if not dangerous, to walk to the bus stop, the grocery store, or even your neighbor's house for coffee. Similarly, residents of these neighborhoods complained of inadequate lighting which also makes such walks more difficult.

The pattern of building, but failing to maintain, low-income housing persists. Lack of maintenance across all the South Bend Housing Authority properties has exacerbated the housing crisis in South Bend.³⁸⁷ The Rabbi Shulman Apartments was a housing development built in the former Maggie's Court area. The apartments were not properly maintained and finally, in 2020, the housing authority announced it was closing the building and displacing 100 residents.³⁸⁸ The official reason was a gas leak,³⁸⁹ but Commission member Judith Fox had been working with tenants in the building prior to the announcement. The conditions in the building were deplorable.

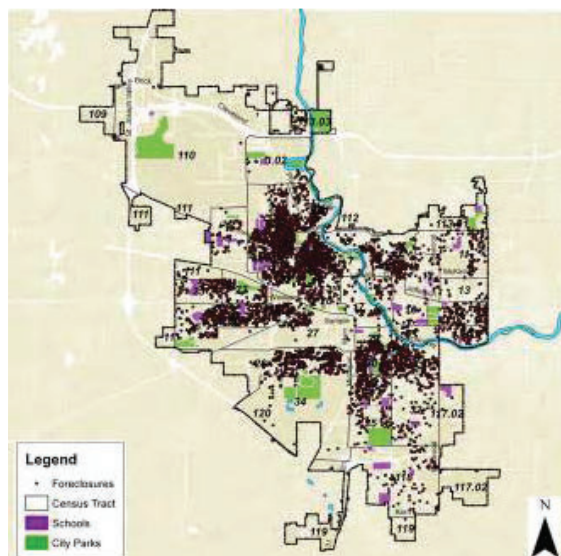
In one visit to a resident's apartment, the water problems were so pervasive that mushrooms were seen visibly growing from the rug. The apartment building was so dilapidated that a Notre Dame law student accompanying Attorney Fox to another unit ran from the building to vomit on the sidewalk at the sight of it. These conditions existed for years with no action taken to resolve them. The residents were finally informed in late 2020 that they must begin making plans to move.³⁹⁰ Although the City and Housing Authority has committed to tearing down the building and offering apartments to those originally relocated, such projects require a lot of time and money. Five years later the project has barely begun and the families yet to return home.³⁹¹

C. Reverse Redlining

Over the years, people of color learned not to try to get a mortgage from traditional banks. Instead, many turned to nonbank lenders and mortgage brokers in hopes of a better outcome. Unfortunately, in the mid-1990s many nonbank lenders and traditional banks began a practice of reverse redlining. Reverse redlining is when financial institutions offer mortgage loan products in those previously underserved, redlined areas, but the products they offer are abusive. The products of the 1990s and early 2000s were characterized by low teaser rates and then exploding, higher variable rates. Homeowners needed to continually refinance to keep their mortgage affordable. Each refinance stripped more equity from the home. These loans were aggressively targeted to minority communities, including in South Bend.³⁹²

The Notre Dame Clinical Law Center’s Economic Justice Project saw an explosion of requests for assistance from South Bend residents who had become victims of subprime loans during this period. According to residents, mortgage brokers were even going door to door in the neighborhoods immediately surrounding Muessel School, at times threatening homeowners who declined to take out a loan or refinance their mortgage. There is ample evidence that the loans being offered were bad loans.³⁹³

In 2007, Notre Dame Professors Judith Fox and Richard Williams were asked by the City to investigate the alarming rise of mortgage foreclosures in the City.³⁹⁴ The City attributed the rise to changes in property tax³⁹⁵ and initially rebuked efforts to address the predatory lending issue.³⁹⁶ The research found a high correlation between living in a minority neighborhood and mortgage foreclosure. At the time of their research, the most affected neighborhood was in and around Muessel school, but the pain soon spread. From 2001-2007 there were 6,777 foreclosures in South Bend, This number reflects roughly 15 percent of all the homes in the City at the time.³⁹⁷



The map above shows the concentration of foreclosures in largely minority neighborhoods.³⁹⁸ It was, in fact, even worse than the statistics reveal. The numbers above reflect those foreclosures that were filed and proceeded to sale.

However, what was unknown at the time was that in many minority neighborhoods, banks were simply walking away from foreclosures, often after informing families they needed to

leave.³⁹⁹ Sometimes the lender filed the foreclosure in court and dismissed the case before completion; in other cases, they obtained a judgment but never proceeded to sheriff's sale, and sometimes they did neither. Instead, they informed the family they had to vacate the property and then the bank did nothing to take ownership or possession.⁴⁰⁰ These properties became abandoned properties. For its size, South Bend had a significant number of these bank walkaways, especially during the early years of the foreclosure crisis.⁴⁰¹

The crisis hit low-income, minority communities early. Signs of the stress began to appear in South Bend in 2000. The crisis was not officially recognized as a crisis until 2008. Governmental assistance for homeowners facing foreclosure did not become available until 2009 and the cooperation from the industry was very slow, not really coming online until all the major lending institutions were sued by the Department of Justice and forty-nine state Attorneys General (including Indiana's) in 2012.⁴⁰² By then, homeowners in many minority communities, including in South Bend, had already lost their homes.

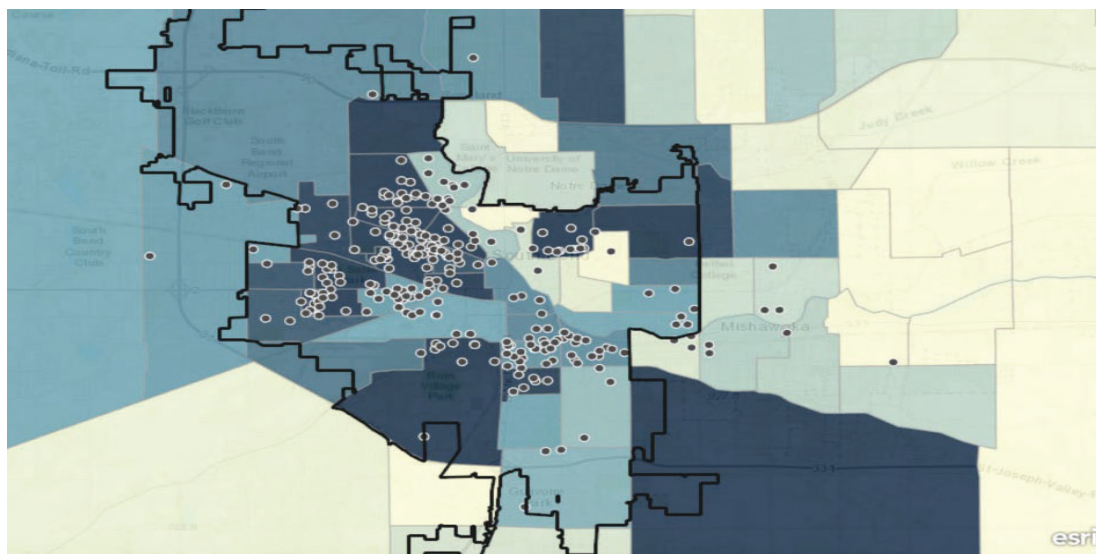
The Reparatory Justice Commission found no evidence that the City was involved in the discriminatory action that caused the subprime loan crisis or its aftermath, except perhaps in their refusal to acknowledge it. In fact, the City actively assisted in mitigating the crisis through its housing counselor program. At the height of the foreclosure crisis, Hedy Robinson, a housing counselor employed by the City, was widely recognized as the best housing counselor in Indiana. She and her staff saved hundreds of homes. Unfortunately, the ability to re-write mortgages and save homes was not available until thousands had already lost their properties.⁴⁰³

Following the crisis, the City created the Vacant and Abandoned Task Force to look into the problem of abandoned properties left in its wake.⁴⁰⁴ The result of that project was the 1,000 homes in 1,000 days initiative. A few citizens who reached out to the commission expressed the concern that this initiative deprived or displaced families of color from their homes.⁴⁰⁵ It is likely true that more homes were demolished in minority neighborhoods because, as stated previous, more homes were left abandoned in those neighborhoods. However, a review of the list of houses demolished through this program and the criteria used to determine which homes to be demolished does not support a finding of intentional discrimination on the part of the City.

The blame for the large number of abandoned properties falls squarely on the financial services industry. The City provided the list of properties set for demolition under the 1,000 in 1,000 days initiative. A plurality of the properties were owned by corporations, banks or limited

liability corporations when they were slated for demolition. None was inhabited. A sample of 250 of the properties reveal that 46 percent of the properties had been foreclosed upon at some point during the subprime crisis. Of those 7 were bank walkaways, but that number is likely larger. It does not capture those situations where the bank never initiated a foreclosure at all. The number of foreclosures is also likely somewhat higher because, of the 250, eleven of the homeowners had multiple foreclosures in the public record but, due to the age of the cases, no address is reflected on the publicly available court record. It is reasonable to assume that when a property owner had six, eight, or even ten ongoing foreclosures, as some did, that one of those was a property they owned that appeared on the 1,000 homes list. Many of the properties were located in minority neighborhoods because, as mentioned previously, the subprime mortgage lenders targeted those neighborhoods for their predatory products.

It is also true that some of the homes were involved in code enforcement actions which resulted in the demolition orders. This is a more nuanced story. A study of code enforcement action at the time does show a concentration of code enforcement actions in majority minority neighborhoods, but the list of code violators does not match the properties slated for demolition.



Some in the community still feel that code enforcement was directly targeting their neighborhood for racial reasons. Others acknowledge that many of the code enforcement actions were prompted by complaints from neighbors seeking to preserve the quality of their surroundings. Both, or neither, may be true. The analysis above examined civil penalties issued

due to code violations from 2008 to 2015, a time when many homes in that area were being abandoned due to foreclosure. Approximately one quarter of these properties had out of state owners and a similar number were corporate owned. Many of those ostensibly owned by individuals were landlords with multiple properties. There is insufficient evidence to claim intentional discrimination.

The Vacant and Abandoned property report sought to address these concerns by discouraging the City from pursuing aggressive repair orders against people unable to afford repairs.⁴⁰⁶ It is not clear whether the City ever adopted this recommendation, so we repeat it here. It is also important to note that the City does not set code enforcement fines. Instead, these are set by an independent hearing officer who, while taking recommendations from the City, is not required to adopt them. Hearing officers could, and during certain periods often did, set fines higher than those recommended by the City.

The foreclosure crisis and Great Recession that followed had a profound effect on housing overall. Thousands of people lost their homes, flooding the rental market and driving up rents. Building all but stopped during the crisis and when it resumed, companies focused on high-end houses and apartments. Hedge funds and venture capitalists bought up foreclosed single-family homes across the country, including in South Bend, making them unavailable for homeowners and expensive for renters.

We have been left with a severe housing crisis in South Bend. Rents are unaffordable and rental housing is often poorly maintained, especially by the many out of state landlords that now own so many of our local properties. The Rental Safety Verification Program was a positive step in making sure that rental properties are habitable. However, some of the issues that plagued code enforcement in the early years of the foreclosure crisis are reoccurring here. The City takes numerous landlords to court for small fines while tolerating the noncompliance of apartment buildings who owe thousands, if not hundreds of thousands, of dollars to the City. These leave small landlords who are more likely to be small businesses subsisting on their rental income at a clear market disadvantage. The worst offenders can get ignore the civil penalties and essentially get away with ongoing building code violations knowing the City will not pursue them for collection, while small landlords find themselves in court, struggling to stay afloat.

Prior to the passage of the Fair Housing Act, landlords were unafraid of turning people away due to their race as many of the stories in this report document. Since, however, discrimination

became more subtle and harder to detect. People rarely report when they have been discriminated against because they often cannot tell why they were turned down for a rental unit. Reports of phone calls not returned and rental applications rejected might be evidence of discrimination, but they also might not. Some landlords refuse to accept section 8 vouchers as a pretext for not accepting racial minorities, while others simply do not want to deal with the paperwork. More complicated matters such as discriminatory algorithms are much harder to detect.

Unfortunately, record keeping policies at the South Bend Human Rights Commission hampered our ability to determine the extent to which rental discrimination continues in our area. A newspaper report from 1988 references two housing discrimination studies, one from 1984 and one from 1988, that documented continued discrimination in the rental marketplace. The reports were not retained, nor does it appear that any more recent studies have been done. Testing is the only way to discover the extent of rental housing discrimination. While requests were made for data, it was either unavailable or retained in a way that made any analysis impossible.

The Human Rights Commission makes periodic reports to HUD, but not to the City or the public. As a result, we are unable to determine the extent to which discrimination is negatively affecting our local rental markets. People are generally unaware of their rights under the Fair Housing Act or their ability to report discrimination. Recent federal government actions cutting funding to civil rights efforts will make it even more difficult for the Human Rights Commission to do its job.

D. Zoning

It was difficult to obtain some City records due to Indiana's record retention laws. As a result, we were unable to track the history of zoning ordinances in the City. Yet, we know that exclusionary zoning was meant to restrict certain people from living in certain neighborhoods. As mentioned previously, a 1936 FHA Underwriting Manual recommended the use of exclusionary zoning regulations to maintain the homogenous nature of a neighborhood.⁴⁰⁷ It is therefore likely that such means were used in South Bend at some point in its history.

Some zoning decisions, though not intentionally discriminatory, have had a discriminatory effect. According to the Urban Institute, “[E]xclusionary zoning policies—such as large lot-size requirements and large square-footage-per-dwelling-unit mandates—make it difficult for low- and even moderate-income households to live in many well-resourced communities.”⁴⁰⁸ The City

did have many such regulations, though some recent changes to lot size, for example, are positive developments. Other zoning decisions continue to have discriminatory effect. In its 2020-2024 Impediments to Fair Housing Report the City mentions that zoning practices meant to restrict student housing have “negatively affected protected classes.”⁴⁰⁹

X. Hate Groups

The City is clearly not responsible for the existence of hate groups in our area. At the same time, there were times in the City’s history that policies embraced by such groups had an oversized influence on where certain groups of people should live in the City.

Intimidation by such groups has negatively impacted where minority families are comfortable living. As previously mentioned, in the 1920s, Indiana was the center of the Ku Klux Klan.⁴¹⁰ The influence of the Klan diminished, but never entirely went away. In 2024, the Southern Poverty Law Center reported twenty-seven active hate groups in Indiana, most of which operate state-wide.⁴¹¹ Several of these, such as the Nordic Order of the Ku Klux Klan, the Aryan Freedom Network, and the Proud Boys specifically espouse White supremacy ideologies.⁴¹² As recently as November of 2024, the Ku Klux Klan blanketed the area, including South Bend, with racist fliers.⁴¹³

Unfortunately, many of our citizens have encountered these groups or people who hold their racist views. We heard several stories of attempts to frighten people of color from White neighborhoods. Below is one such story that was emailed to the Commission. It occurred in 1989.

We decided we needed a larger home that would be suitable for our family as I was pregnant with our second child. We looked at three homes and fell in love with a house located on the far west side of South Bend off Crumstown highway. I was 7 months pregnant at the time.

We made an offer on the house, and it was accepted. Within weeks of the offer being accepted we learned that the house had been vandalized. "No N---gers" was spray painted in black letters across the front of the white tri-level home. There was subsequent damage done to the home with windows being broken out, etc.

We soon learned that we were going to be the first black family in the Pam Drive neighborhood. The initial investigation which was completed by the county police revealed no information but the incident was reported to the US Marshall's office in Washington DC and the FBI proceeded to investigate. We were told that when the FBI came to the neighborhood

and started going door to door neighbors of the main three men involved started to give names of the men who were charged with committing the crime.

During the trial it was revealed that the three men, which included a teacher from Kennedy School, had planned to firebomb the home by throwing the bomb through a picture window that was located at the front of the home.”

Imagine for a moment being a Black child in that teacher’s class.

Unfortunately, racial hate group activity in our area has never completely gone away. Adam Driver was famously criticized for saying he frequently saw Klan rallies growing up in our area.⁴¹⁴ His memories were correct. The Church of National Knights of the Ku Klux Klan led by Railton Loy regularly held rallies in St. Joseph County.⁴¹⁵ In 2001, there was a large Klan rally in Mishawaka, seen below.⁴¹⁶

Everyone in our community should forcibly and loudly oppose these hate groups and their supporters. While the first amendment gives these groups the right to their reprehensible opinions, the City should condemn the message and vigorously pursue any racial intimidation or harassment directed toward residents of the City.



Harms Caused by the Pattern of Discrimination

and

Reparatory Justice Commission's Recommendations

After reviewing the history of discrimination, each of the subcommittees evaluated the harms this history caused in the community. Those harms and the recommendations for reparatory actions to address them are outlined below. Before addressing those, and as an initial matter, the Commission has three reparatory justice recommendations that span all subcommittees:

Recommendations:

- (1). The City should formally acknowledge and apologize for a long history of racial discrimination.**
- (2). The City should preserve this report as a permanent, easily accessible historical public record and commit to creating a robust website where citizens can learn about this history.**

Within three months:

- (3). The Common Council should appoint a permanent reparatory justice committee that includes experts, City officials, and citizens, the majority of whom should be Black. Current Commission members should be given priority if they want to continue to serve. The Committee should be charged with reviewing progress in implementing the recommendation of the Commission, monitoring compliance with reparatory justice, and identifying further measures that might come to light to ensure reparatory justice. The committee shall report to the Common Council the progress toward implementing the Commission's recommendations and suggestions for the adoption of any additional measures needed for reparatory justice at least annually.**

Within the next three years:

Because government revenues cannot be relied upon as a source for correcting harms, and because the harms identified in this Report were caused by multiple actors in concert, including businesses and individuals, it is necessary to create an ongoing, permanent funding source if governmental resources are inadequate.

(4) A community Fund should be established through a non-governmental entity as a repository for donations from charitable foundations, local and national businesses, individuals, and similar sources to provide monies for repairing past and preventing future harms as identified in this report.

I. Employment / Economic Opportunity / Wealth Gap Subcommittee

This Employment/ Economic Opportunity/ Wealth Gap Subcommittee researched the history of racial discrimination in South Bend, particularly in the period between 1920, when the number of African American employees in South Bend began to rise, and the late 1960s, when the Civil Rights Act of 1964 began to take effect in our community. We also studied the history of Black businesses and professionals in South Bend, including the era of the “black business district” on the west side of South Bend and the reasons why there are so few Black-owned businesses today. Finally, we studied how this history has resulted in a racial wealth gap and studied the most recent census data to see the effects of social programs in the years since the publication of *The Racial Wealth Gap* in 2017.

Racial discrimination in employment and economic opportunities in South Bend caused a number of harms to the Black community and individual members. Among them are:

- The racial wealth divide;
- Lower income; fewer Blacks in higher-paying jobs; and
- Fewer Black-owned businesses.

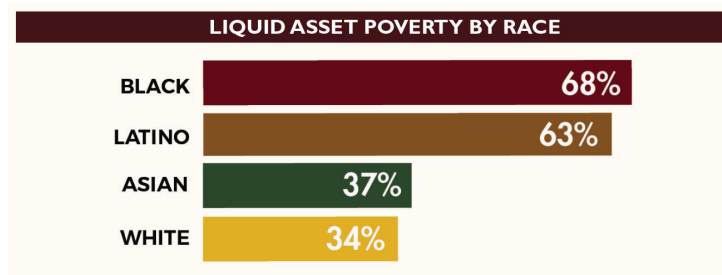
These harms have never been resolved and they have real-world effect today upon Black children and families in South Bend. In addition to the evidence set forth above, the following studies further document the extent of these harms and provide the factual basis to justify the remedies suggested below.

A. The Racial Wealth Divide

In 2016, the City of South Bend commissioned a study of the “racial wealth gap” – the disparity in wealth accumulation between racial groups in South Bend. The City contracted with Prosperity Now, a non-profit organization based in Washington DC, to gather data and produce a report on the current status of the racial wealth gap in South Bend.⁴¹⁷ *The Racial Wealth Divide in South Bend* was published in September 2017.⁴¹⁸ Overall, the study found that Racial

economic inequality between African American and White households is worse in South Bend than it is nationwide.

At the time of the study, census data showed that South Bend was 54 percent White, 27 percent Black, 13 percent Hispanic, and 1.4 percent Asian American.⁴¹⁹ For almost all measures, Black residents fall significantly behind White residents in the City. The measure of “liquid asset poverty” – defined as “a measure of the liquid savings households hold to cover basic expenses for three months if they experienced a sudden job loss, a medical emergency or another financial crisis leading to a loss of stable income” – showed that Blacks had twice the poverty rate of Whites.⁴²⁰

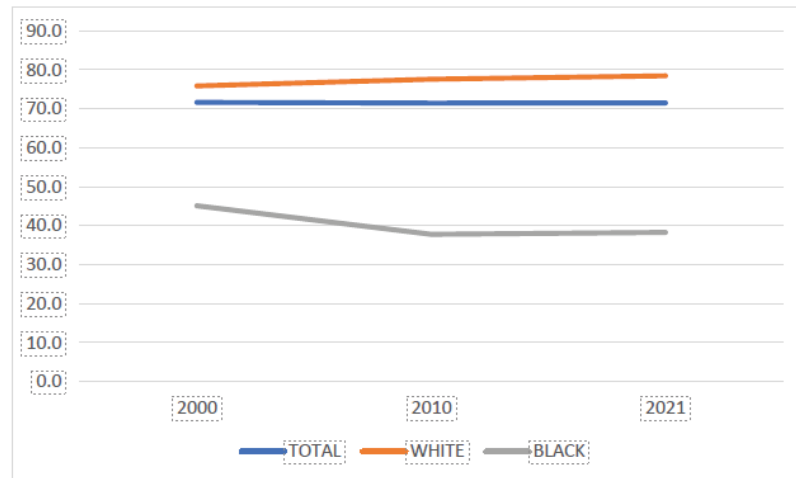


While only 16 percent of White households reported “zero net worth” (meaning their liabilities exceed their assets or, put simply, the amount they owe is more than the amount they own), that measure was 37 percent for Black households. While 68 percent of White families owned their home, only 35 percent of Black families owned their home. And with respect to educational attainment, the data show that while 17.8 percent of Whites held a bachelor’s degree or higher, that number was only 7.3 percent for Black residents.⁴²¹ These numbers echo similar figures published by the United Way in the 2025 State of Alice report, which states that 22 percent of Black households in St. Joseph County live below the poverty threshold as compared with 7 percent of White households.⁴²²

These conclusions are also supported by John R. Hagan, Ph.D.’s draft paper entitled “Some Economic Issues of the Black Population of St. Joseph County and its Major Metropolitan Area.”⁴²³ Similar to conclusions in *The Racial Wealth Divide*, Hagan also noted a stark difference in home ownership rates in St. Joseph County: nearly 79 percent (78.5percent) of Whites were homeowners compared with Blacks at roughly 38 percent (38.3percent). The trend is also discouraging; as a result of the subprime mortgage crisis and foreclosures that resulted in

families losing their homes (2007-2010), homeownership for Black families has decreased in the past two decades:

Figure J. Trends in Homeownership Rates by Race. St. Joseph County, 2000, 2010 and 2021



The logical corollary is also true: in 2021, three out of five households that rented were Black compared with one out of five being White.⁴²⁴

This deep racial wealth divide – more stark in South Bend than nationally – is a lingering harm from decades of discrimination in South Bend that limited Blacks access to an equal education, equal wages, and mortgage loan or business loan on equal terms.

Recommendations :

Within six months:

(5) Adult Financial Counseling: To assist South Bend families in building net worth and generational wealth, the City, through its Financial Empowerment Center and in partnership with area banks, financial institutions and others organizations, should provide financial counseling and education to low- and moderate-income households in South Bend. The Commission encourages the City to endow and expand the work it has already begun at the Financial Empowerment Center by partnering with other neighborhood organizations.

Within a year:

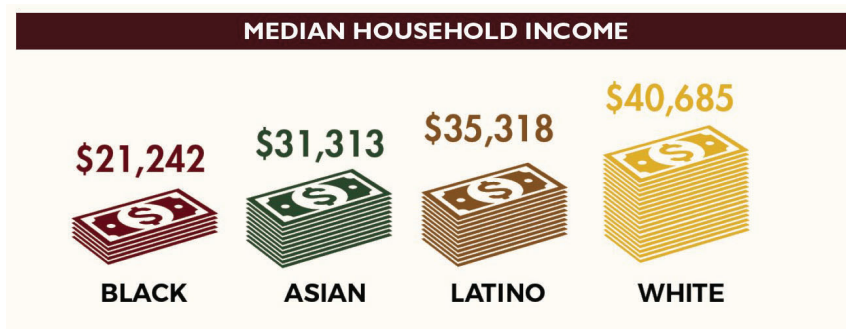
(6) Youth Wealth Building Educational Tool: To empower South Bend’s Black youth to save money and grow wealth, the City through its Financial Empowerment Center, and with partners including the South Bend Community School Corporation (SBCSC), IUSB, Ivy

Tech, and others, should create or acquire a Financial Basics video program for use in schools, after school programs within schools, or off site (e.g., Boys & Girls Club), Neighborhood Centers, public libraries, etc. Topics should include home purchasing and financing, credit use and risks, the value of a high credit score and how to achieve it, budgeting, the home mortgage process, retirement planning, and basic income tax rules. The program should be actively promoted and directed toward middle school/early high school students. The program should be presented through live participation of Black leaders in business or finance who can personally inspire and encourage the youth participants.

B. Lower Income. Fewer Blacks In Higher-Paying Jobs

Workplace discrimination against South Bend’s Black population through the 20th Century prevented or delayed the ability of many Black workers to bridge the wealth gap through higher paid employment. *The Racial Wealth Divide in South Bend* revealed that Black residents of South Bend report lower income than other racial groups. For example, the median household income for Blacks in South Bend is \$14,000 lower than the national average. As such, 40.2 percent of Black residents in the City fall below the income poverty line, a number which is almost twice the national poverty rate for Black households.

The median household income numbers show that White families bring home earnings nearly twice that of Black families.



These conclusions are also supported by Dr. Hagan’s *Economic Issues* research paper.⁴²⁵ The paper contains an analysis of publicly-available data from 2021 and 2022 regarding economic disparities when comparing Black and White employment data from St. Joseph County, Indiana.⁴²⁶ Among Hagan’s findings are that White employees earned nearly 50 percent more than Black employees during the 2021-22 period, as illustrated in the following table.

Table 1. Number of Employees and Average Monthly Earnings by Race and NAICS Sectors. St. Joseph County, 2021 (Q4), and 2022 (Q1,2,3)

CATEGORY	Sector	ALL RACES				White		Black		Earnings Ratio White:Black
		Employees ^a	Earnings ^b	Avg Monthly		Avg Monthly				
				Employees	Earnings	Employees	Earnings			
All NAICS *	0	133,661	4,940	107,856	5,105	18,385	3,508	1.46		
Agriculture, Forestry, Fishing and Hunting	11	206	3,979	194	4,087	Insufficient Data				
Mining, Quarrying, and Oil and Gas Extraction	21	Insufficient data								
Utilities	22	191	10,147	176	10,225	11	9,469	1.08		
Construction	23	6,656	5,812	6,181	5,854	293	4,813	1.22		
Wholesale Trade	42	7,137	7,024	6,223	7,231	649	4,795	1.51		
Information *	51	1,417	8,387	1,225	8,732	112	4,690	1.86		
Finance and Insurance	52	3,666	7,090	3,265	7,334	267	4,559	1.61		
Real Estate and Rental and Leasing	53	1,893	4,526	1,638	4,673	191	3,228	1.45		
Professional, Scientific, and Technical Services	54	6,147	6,318	5,396	6,429	412	4,349	1.45		
Management of Companies and Enterprises	55	2,157	8,387	1,920	8,732	149	4,690	1.86		
Administrative and Support and Waste Management and Educational Services	56	9,013	3,793	6,180	4,040	2,399	2,787	1.45		
Health Care and Social Assistance	61	12,781	5,495	10,980	5,440	862	4,604	1.18		
Arts, Entertainment, and Recreation	62	23,576	5,038	17,771	5,157	4,562	3,463	1.49		
Accommodation and Food Services	71	2,627	2,802	2,214	2,773	248	2,758	1.01		
Other Services (except Public Administration)	72	14,975	1,949	10,892	1,985	2,787	1,682	1.18		
Public Administration	81	4,299	3,663	3,558	3,758	523	2,969	1.27		
Manufacturing	92	No County Data								
Retail Trade	31-33	15,415	5,670	12,683	5,841	1,981	4,629	1.26		
Transportation and Warehousing *	44-45	16,511	3,276	13,616	3,352	1,935	2,752	1.22		
	48-49	4,730	4,839	3,687	5,046	837	3,776	1.34		

^aThis is a count of people employed in a firm at any time during the quarter. It is not a count of jobs.
^bAverage monthly earnings of employees with stable jobs (i.e., worked with the same firm throughout the quarter).
Source: U.S. Census Bureau, Center for Economic Studies, LEHD; <https://ledextract.ces.census.gov/qwi/all>
*Average of 3 Quarters only

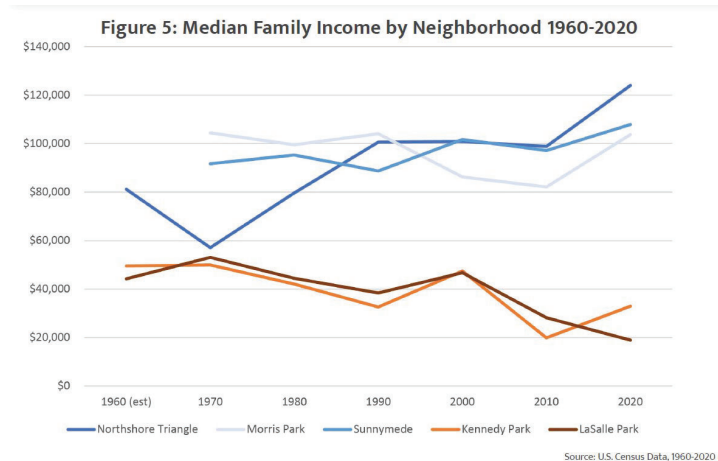
In 2022, the City’s Department of Community Investment formed a Financial Empowerment Team which worked to research, analyze data and historical trends in South Bend, and suggest a blueprint for financial empowerment programs. Working from historical data as well as interviews and group discussions, the Team found that workers living in predominantly Black neighborhoods receive significantly lower wages and experience significantly higher unemployment rates during economic downturns.

The Team focused on two predominantly Black neighborhoods: LaSalle Park and Kennedy Park, statistically observable areas as Census Tracts 21 and 23. These neighborhoods show significantly lower economic progress when compared with the City as a whole.

NEIGHBORHOOD	HOME VALUES	HOME OWNERSHIP	INCOME	UNEMPLOYMENT	BLACK POPULATION
South Bend	\$88,600	49%	\$42,697	6%	25%
Kennedy Park	\$38,400	37%	\$19,511	14%	60%
LaSalle Park	\$29,900	42%	\$13,369	23%	59%

Source: 2020 American Community Survey 5-Year Data

Median family income in 2020 in Kennedy and LaSalle Park was 66 percent and 43 percent of income respectively in these neighborhoods in 1960. 31.3 percent of Black households had income below the federal poverty threshold, while only 10.4 percent of White households had income below that threshold.



Recommendations:

Trade Union Youth Engagement Through School Career Day Programs & Job Fairs in Middle Schools

Middle School is considered the ideal time to introduce young persons to the employment and economic opportunity of industrial and other skilled trades. Apparently, because of recent emphasis on STEM education, the South Bend Public Schools did not promote trade vocations despite the need for alternatives to a college career path for many students.

Within a year:

(7) To better acquaint Black youth with opportunities for higher paid jobs within the industrial and other skilled trades, the SBCSC should hold a career day program or job fair annually in all its middle and high schools where industrial and other professional trade groups participate. It should also furnish students with written information in advance about skilled trade opportunities as provided by local unions and employers.

Limitations On Criminal History And Credit Checks For Employment

The criminal conviction rate for Black males is disproportionately higher than for White males due to factors unrelated to criminal propensity, and unrelated to work skills and ability. With Black males already earning less than comparable White males in South Bend (Wealth Gap Report 2016), black males with criminal convictions are at greater risk of long-term unemployability.

Criminal background checks in the State of Indiana are required in certain jobs and professional licensing where the type of job or profession requires more stringent measures of risk avoidance or public safety. Examples include public safety officers, bank personnel with

access to cash or customer accounts, and persons who work with children. Yet, the City and another employers ask this information of all job applicants, regardless of the job in question. This unfairly excludes many Black persons from employment due to unrelated or stale criminal convictions. Questions about arrests or pending criminal cases with no finding of guilt are improper under current employment discrimination law.

Within three months:

(8) The City of South Bend, its agencies, contractors, and partners, and large employers within the City should eliminate the box or question about past criminal convictions on their initial job application forms unless the posted job clearly falls within the scope of a state law. In these cases, the question should be limited to specific convictions that actually relate to the job opening.

Within six months:

(9) Credit checks as a pre-requisite for initial employment consideration unfairly disqualify Black persons in South Bend whose financial conditions are generally not the product of any personal fault, but rather the result of a conflux of social conditions affecting employment and wealth building. Therefore, credit checks for initial employment screening should be eliminated.

Within a year:

(10) On-the-job Management Training and Education: The City should commit to fund and staff a new program designed to provide on-the-job (or while employed) training and education for Black employees (both in public and private sector) to enhance or accelerate their ability to qualify for promotion to management and C-suite positions. This should include:

- a. Gathering information from employers re what is missing among Black candidates for promotion**
- b. Sourcing materials and teachers**
- c. Sourcing facilities (which may be virtual)**
- d. Sourcing resources (e.g. tablet computers)**
- e. Culturally-competent marketing to recruit eligible employees**

An example of such a program could be a Mini-MBA program in connection with IU South Bend, culminating in an Executive Education Certificate.

C. Fewer Black-Owned Businesses

The Racial Wealth Divide in South Bend also included data supporting the conclusion that there are fewer Black-owned businesses in South Bend than one would expect based upon population data. Specifically, the report showed that the value of businesses owned by White residents was nearly ten times that of the value of Black-owned businesses in South Bend.⁴²⁷

This matches the estimates from local business consultants that, while approximately 25 percent of South Bend residents are Black,⁴²⁸ of all the local businesses in South Bend, only 5 percent to 10 percent are Black-owned.⁴²⁹

Many small business owners rely upon their home equity to support their business, either directly through home equity-based loans used to support the business or indirectly by supporting the value of their personal guarantee.⁴³⁰ The lack of home ownership by Blacks in South Bend, as demonstrated both in *The Racial Wealth Divide* and by Dr. Hagan in his *Economic Issues* paper, means a lack of collateral for Black families to finance a small business.

This conclusion is further supported by a report known as “The Disparity Study.” In 2020, the City of South Bend contracted with Colette Holt & Associates (CHA), a national law and consulting firm, to conduct a careful study of discrimination in City contracting that might justify programs aimed to help minority and women-owned businesses.⁴³¹ CHA conducted interviews with a number of minority and women business owners in South Bend. They reported that they continue to encounter discriminatory attitudes, stereotypes, and negative perceptions of their professional qualifications and capabilities. Among the quotes published in the report:

[One] Black business owner said, “Our problem is that people are trained to believe that black folks, poor people, or minorities can’t deliver. There’s a whole lot of Black people in here that wanna do something, and somebody needs to see that.”

Another said, “There are black-owned construction companies, but one reason a lot of them that I talk to went out of business is because they can’t get contracts with the City. So they can’t get any big contracts, then they have to try to build their business with only small ones, and it’s hard to maintain a cash flow with the other issues that you deal with.”⁴³²

As for information about contract opportunities based upon these interviews, CHA concluded that, “there is said to be clear exclusion, especially to Black-owned and African-American companies, to get access to information [about contracting opportunities with the City].”⁴³³

In addition to interviews, CHA analyzed hard data and statistics from a number of sources. First, CHA studied contracts awarded by the City of South Bend for the calendar years 2015 through 2017, including 278 prime contracts and 327 subcontracts. When broken down by race and gender, they found that Black-owned firms received zero of the \$78.8 million contracted for.

Table 4-7: Distribution of the City of South Bend's Contract Dollars, by Race and Gender
(share of total dollars)

NAICS	Black	Hispanic	Asian	Native American	White Women	MWBE	Non-MWBE	Total
221310	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
236220	0.0%	0.0%	0.0%	8.2%	8.3%	16.5%	83.5%	100.0%
237110	0.0%	0.0%	0.0%	0.0%	4.2%	4.2%	95.8%	100.0%
237130	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
237310	0.0%	0.0%	0.0%	0.0%	1.9%	1.9%	98.1%	100.0%
238110	0.0%	0.0%	0.0%	0.0%	34.5%	34.5%	65.5%	100.0%
238140	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
238160	0.0%	0.0%	0.0%	0.0%	20.5%	20.5%	79.5%	100.0%
238210	0.0%	0.0%	0.0%	0.0%	15.0%	15.0%	85.0%	100.0%
238220	0.0%	0.0%	0.0%	0.3%	0.3%	0.5%	99.5%	100.0%
238290	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
238310	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
238910	0.0%	0.0%	0.0%	0.0%	17.2%	17.2%	82.8%	100.0%
238990	0.0%	0.0%	0.0%	0.0%	1.0%	1.0%	99.0%	100.0%
334514	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
423110	0.0%	0.0%	0.0%	0.0%	26.3%	26.3%	73.7%	100.0%
423120	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
423810	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
423830	0.0%	87.1%	0.0%	0.0%	7.0%	94.1%	5.9%	100.0%
441110	0.0%	0.0%	0.0%	5.1%	0.0%	5.1%	94.9%	100.0%
484220	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
511210	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
541320	0.0%	0.0%	0.0%	0.0%	0.0%	0.0%	100.0%	100.0%
541330	0.0%	0.0%	19.9%	0.0%	2.4%	22.3%	77.7%	100.0%
541511	0.0%	69.3%	0.0%	0.0%	0.0%	69.3%	30.7%	100.0%
541620	0.0%	0.0%	0.0%	0.0%	18.1%	18.1%	81.9%	100.0%
561730	0.0%	0.0%	0.0%	0.0%	36.9%	36.9%	63.1%	100.0%
Total	0.0%	2.3%	1.7%	0.4%	6.6%	11.0%	89.0%	100.0%

Source: CHA analysis of City of South Bend's data.

This is evident in Table 4.7:⁴³⁴

CHA noted the importance of looking at the availability of minority-owned contractors in the South Bend market to evaluate whether or not there was a disparity. In other words, if there were zero Black contractors in the market, then there would be no disparity to find that zero work had been awarded to Black contractors.

CHA found that only 1.2 percent of the contractors available (and qualified) to work on these projects were Black-owned businesses. See Table 4-11.⁴³⁵ Nevertheless, there is a stark disparity between the 1.2 percent of eligible Black-owned contractors and the 0 percent of contracts awarded to Black-owned businesses. CHA concluded that this disparity, along with similar disparities for other minority and women-owned businesses, justified implementation of race-based remedies.⁴³⁶

CHA also looked at data from the U.S. Census Bureau's Survey of Business Owners. This survey showed that Black-owned firms constituted approximately 7% of all firms reporting, but that their sales and receipts amounted to only .53 percent and their annual payroll amounted to only .58 percent of the respective totals. CHA summarized this thus:

[T]he Black share of sales and receipts for all firms is 0.5 percent; the Black share of total number of all firms is 7.0 percent. With 0.5 percent in the numerator and 7.0 percent in the denominator, the ratio is 7.67. If Black-owned firms earned a share of sales equal to their share of total firms, the disparity would have been 100 percent. An index less than 100 percent indicates that a given group is being utilized less than would be expected based on its availability. Courts have adopted the Equal Employment Opportunity Commission's "80 percent rule" that a ratio less than 80 percent presents a *prima facie* case of discrimination.⁴³⁷

CHA also looked at data from the American Community Survey for 2012 through 2016 to determine the rate at which different demographic groups form new businesses. The data showed that Blacks, Latinos, and White women are less likely to form businesses compared to similarly situated White men. It showed that Blacks formed businesses at a rate far lower than Whites. It also showed that the wage differential for Blacks is 33 percent less compared with Whites, and business earnings (income from owning a business) for Blacks is 54 percent less than that for White men.⁴³⁸

Such data led CHA to research further into each group's access to *business capital* – money to expand and operate a business. Here, CHA found that Black, Hispanic, and Asian business owners are more likely to be denied credit than Whites, even after controlling for characteristics like credit history, credit score, and wealth. Blacks and Hispanics were also likely to pay higher interest rates on the loans they did receive.⁴³⁹ The research by CHA showed:

- Minority-owned firms are less likely to receive loans than non-minority owned firms regardless of firm size. According to an analysis of data from the Survey of Small Business Finances, for firms with gross receipts over \$500,000, 52 percent of non-minority-owned firms received loans compared to 41 percent of minority-owned firms.
- When minority-owned firms do receive financing, it is for less money and at a higher interest rate than non-minority-owned firms regardless of the size of the firm. Minority-owned firms paid an average of 7.8 percent in interest rates for loans compared to 6.4 percent for non-minority-owned firms. Among firms with gross receipts under \$500,000, minority-owned firms paid an average of 9.1 percent in interest rates compared to 6.9 percent for non-minority-owned firms.
- Minority owned firms are more likely to be denied loans. Among firms with gross receipts under \$500,000, loan denial rates for minority firms were about three times higher, at 42 percent, compared to those of nonminority-owned firms, at 16 percent. For high sales firms, the rates of loan denial were almost twice as high for MBEs as for non-MBEs.⁴⁴⁰

CHA also reported a strong inter-generational correlation with business ownership. The probability of self-employment (business ownership) is significantly higher among children of self-employed people.⁴⁴¹ CHA’s research found:

There is evidence that current racial patterns of self-employment are in part determined by racial patterns of self-employment in the previous generation. Black men have been found to face a “triple disadvantage”: they are less likely than White men to: 1. Have self-employed fathers; 2. Become self-employed if their fathers were not self-employed; and 3. To follow their fathers into self-employment.

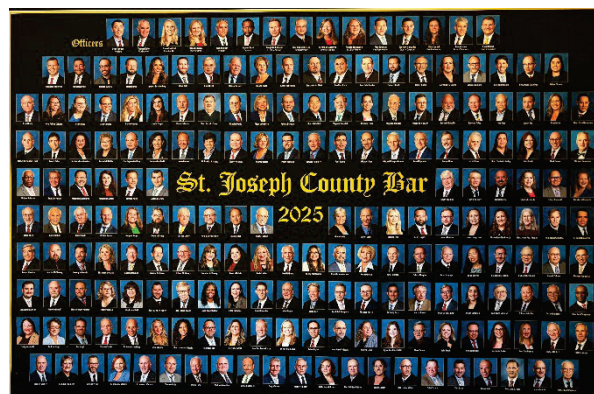
Intergenerational links are also critical to the success of the businesses that do form. Working in a family business leads to more successful firms by new owners. One study found that only 12.6 percent of Black business owners had prior work experiences in a family business as compared to 23.3 percent of White business owners. This creates a cycle of low rates of minority ownership and worse outcomes being passed from one generation to the next, with the corresponding perpetuation of advantages to White-owned firms.⁴⁴²

Based upon this research and analysis, CHA recommended that the City of South Bend implement race and gender-conscious measures to remedy the harms from historic discrimination.⁴⁴³

Another measure of Black-owned businesses is the number of Minority Business Enterprises (MBE) based in South Bend that are Black-owned and certified as MBE. Most recent records show that only twenty-one (21) businesses based in South Bend are Black-owned, certified MBEs.⁴⁴⁴

Finally, there are also relatively low numbers of Black professionals (doctors, lawyers, engineers, accountants, etc.) in South Bend.

With respect to the legal profession, the St. Joseph County Bar Association currently (2025) includes approximately 525 members. Of those members, approximately 10 are Black. While the annual photograph of the Bar Association does not include all the lawyers (only those who make time to stop in and have their picture taken), it still gives a sense for the relative lack of diversity among bar members in our County.



Recommendations:

The City should expand efforts to support Black-owned businesses as a means to remedy historical exclusion and discrimination, including:

For Immediate Implementation:

(11) Increase preferential contracting and purchasing from local Black-owned businesses, including everyday materials and services purchases such as office supplies, cleaning supplies, and food and beverage services.

Within six months:

(12) Expand Contract Compliance and Enforcement. The City should expand and strengthen its enforcement of existing requirements that companies who receive City funds either through TIF grants or Tax Abatements utilize minority contractors and create minority jobs.

This might involve a re-deployment of the efforts of the Contract Compliance Manager to research more closely and report to the public the extent to which each beneficiary of City dollars is actually creating new jobs for minorities and/or using minority-owned subcontractors.

The City should enlarge both the carrot and the stick in these programs so that participants are motivated to succeed (i.e. create more jobs or more business opportunity for Black-owned businesses) and punished if they do not (e.g. forced to repay public funds).

Within one year:

(13) Fund and publicize business start-up and expansion grants targeted to Black entrepreneurs, either through the existing South Bend Opportunity Fund program or a new, separate program;

(14) Guarantee small business loans to Black-owned businesses, either through the Revolving Loan Fund or a new, separate program;

(15) Increase funding and expand involvement of Black entrepreneurs in the Small Business Assistance Suite, where they can access resources in accounting, legal support, and other professional services;

(16) Host and promote quarterly educational programs for Black entrepreneurs and professionals including presentations by local thought-leaders in areas such as finance, banking, accounting, law, artificial intelligence, and robotics;

(17) Provide scholarships and grants to cover membership costs for Black entrepreneurs in

business-support organizations such as the Momentum Entrepreneurship Hub.

II. Housing Subcommittee

Housing discrimination impacts many of the other areas investigated by the Commission. Homeownership is a significant factor in wealth accumulation. Home equity accounts for “nearly 80 percent” of most American’s wealth.⁴⁴⁵ While homeownership is mostly wealth building, holding such a large percentage of your wealth in one asset can be negative in times of economic downturn. This is what happened during the foreclosure crisis. People lost their homes and most, if not all, of their wealth.

Housing can also have positive and negative implications for educational attainment. Where you live often affects where you go to school and the kind of education you receive. This will affect whether you can continue your education beyond high school. South Bend has very limited mass transit, so your home’s location also has a significant impact on what job many can take. It also impacts whether you can change jobs by moving to a new location.

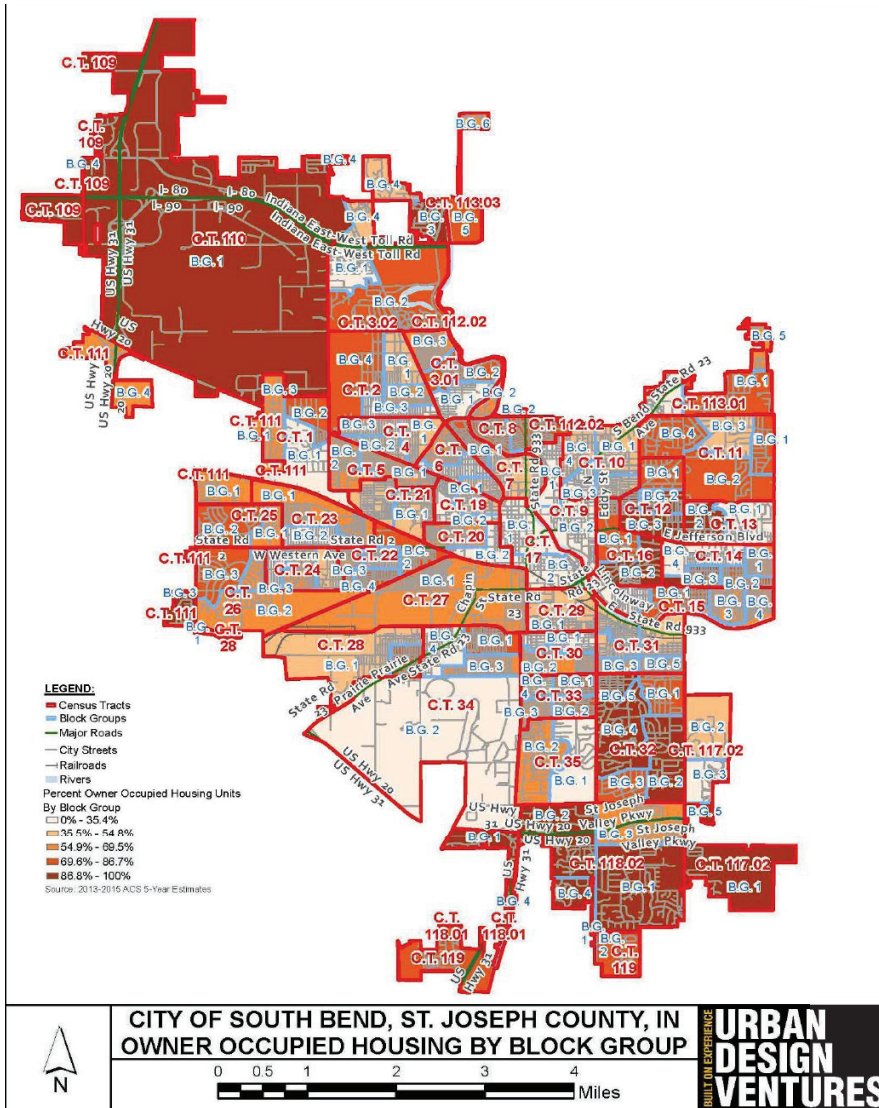
Finally, housing is an important social determinant of health.⁴⁴⁶ Simply put, improving housing improves health.⁴⁴⁷ Unfortunately, race-based housing discrimination “continues to shape health equities today.”⁴⁴⁸ In addition, “[a] large body of evidence” has found that unaffordable housing has a negative effect on mental health⁴⁴⁹ and “insecure housing, including the threat or experience of eviction” has a negative effect on mental health, maternal health, health-care access, mortality and food insecurity, among other things.⁴⁵⁰

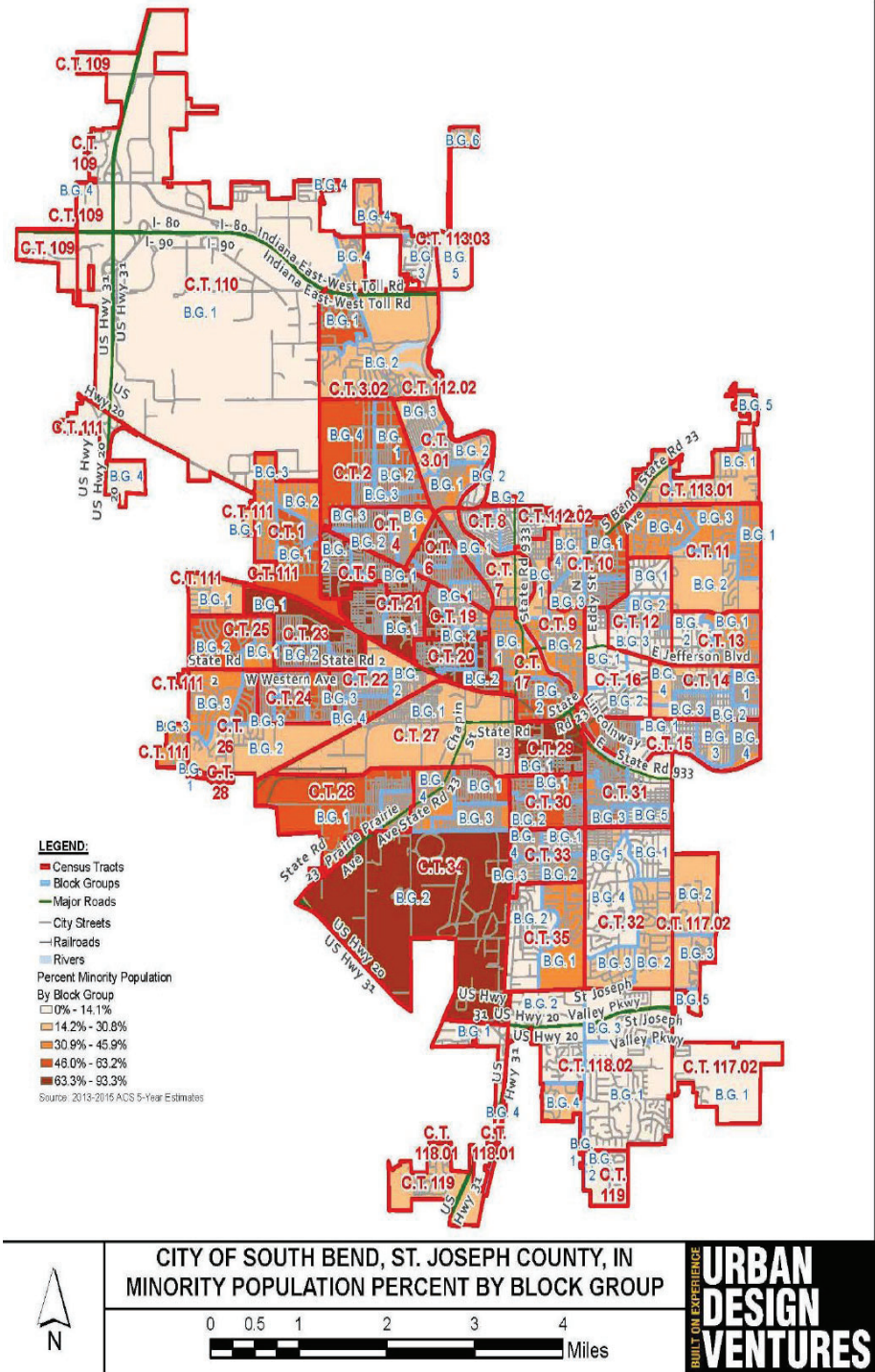
The harms outlined below are those identified by the housing subcommittee, but some intersect with the work of other subcommittees.

A. Inequitable home ownership

Data from 2020 “shows that the homeownership gap between Black and White Americans is currently the widest it’s been in 100 years.”⁴⁵¹ 75.7 percent of White residents in South Bend own their home compared to 41 percent of Black residents.⁴⁵² Decades of discriminatory policies and practices have left homeownership out of reach for many marginalized residents of the City.

The St. Joseph County Housing Consortium periodically outlines issues that are negatively impacting fair housing in the area. Its maps shown below illustrate the disproportionately low home ownership rates in South Bend’s minority communities.⁴⁵³





The 2020-2024 report also acknowledges that “[a]ffordable housing units are concentrated in neighborhoods that are segregated by race or ethnicity in addition to income.”⁴⁵⁴ This prevents people from moving to areas where they may find more economic opportunity.” While there are plenty of vacant lots available for infill development, there is little financial incentive to develop

this land. Likewise, there is little financial support for buying existing properties.⁴⁵⁵ This is especially acute for the elderly, disabled, and those with special needs.⁴⁵⁶

Homeownership includes both purchasing and maintaining a home. Because so many factors have contributed to the homeownership gap, it will take substantial action to solve it.

Recommendations:

Immediate Implementation:

(18) Review and amend all current zoning regulations that are adversely impacting the development of affordable housing.

(19) Maintain the city-based housing counselor.

(20) Maintain the financial empowerment center, but add a component specifically designed to support home ownership.

(21) Support programs for downpayment assistance.

(22) Discontinue aggressive repair orders against people unable to afford repairs and establish a fine forgiveness program for homeowners who incur code enforcement fines but are constructively working with the City on the issues.

Within three months:

(23) Work with CDFIs and other not-for-profits to create more affordable housing.

(24) Support and expand the current grant program for home maintenance, streamlining the process when possible.

Within one year:

(25) Robustly review all new developments to be sure they are not displacing low-income families in favor of gentrification and guaranteeing the inclusion of affordable housing in all further development.

B. Repairing a broken rental market

When people cannot buy, they turn to rentals. Renters in South Bend are severely cost burdened.⁴⁵⁷ 22 percent of the residents of South Bend live in poverty.⁴⁵⁸ It is especially difficult for them to find safe, affordable housing. This is especially difficult for low-income residents of the City. An analysis by Prosperity Indiana estimates that South Bend has a shortage of over 5,000 units for renters whose income falls below 30 percent of the area mean income. Yet, all

current efforts to provide new housing is designed for those making 80 percent of the area mean income or above.

Indiana generally, and South Bend specifically, have very high eviction rates. In 2023, a study was done of 655 eviction cases filed in Saint Joseph County. The map below shows that most of those filings fall in the same heavily redlined area of the City.

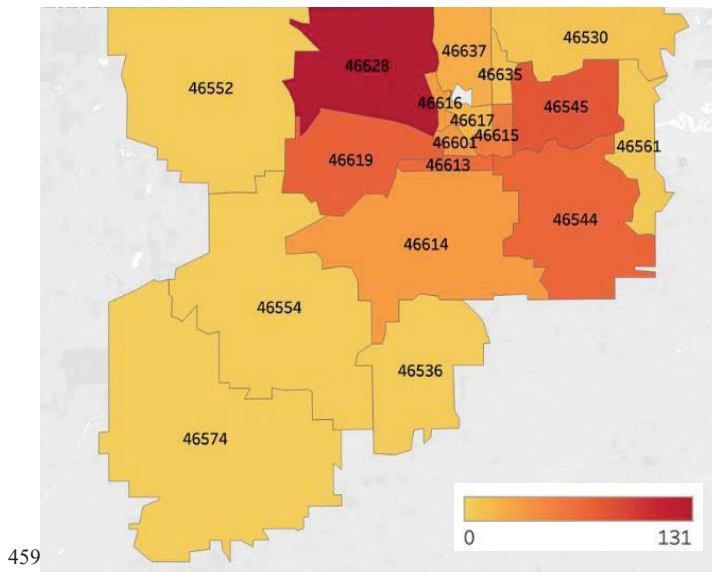


Figure 2: Distribution of Eviction Filings Observed, by Zip Code⁴⁶⁰

The analysis found that Black and Hispanic residents, especially women with children, were most likely to face eviction in South Bend.⁴⁶¹ The massive number of evictions puts pressure on the social safety net and all too often increases the homeless population in the City.

There is an extreme shortage of affordable, safe housing in South Bend. Persistent lack of maintenance and oversight at the South Bend Housing Authority has resulted in appalling conditions in many of their units and an unacceptably high vacancy rate.⁴⁶² The rental safety verification program is important in its efforts to hold landlords responsible for their units. However, such efforts are lost because of the City's policy of letting large landlords accumulate large fines, while aggressively pursuing small landlords and small fines. Corporate landlords who house large numbers of tenants have no incentive to comply with repair orders because they know they can simply let the fines pile up indefinitely. This lack of enforcement is in danger of weakening what is otherwise a strong City program.

Recommendations:

Immediate Implementation:

(26) Human Rights Commission should make annual reports to the City and the general public relating to incidents of housing discrimination in the City.

Within three months:

(27) Continue and strengthen the Rental Safety Verification Program by aggressively collecting against those entities who are either repeat offenders or have large outstanding balances to the City.

(28) Create a public facing website where tenants can determine if their landlord is registered and whether they have outstanding civil penalties and unpaid fines.

Within six months:

(29) Educate the community on the rights and responsibilities of the Fair Housing Act.

Within one year:

(30) Support the construction of housing for those below 80 percent of area mean income, especially those below 30 percent of area mean income.

(31) Embark on a program of testing to determine the nature and extent of housing discrimination in the City.

C. Lack of Neighborhood investment

The lack of investment in the west side of South Bend was a common topic at the public forums. A simple drive through the area is all that is needed to confirm this. Roads are in terrible shape. There are few sidewalks, partially because the City has a policy of not maintaining sidewalks on City-owned properties. Instead, it waits for a buyer to do repairs. The result is an uneven landscape that makes it difficult for people, especially the elderly, to walk to the bus stop or a neighborhood business. Entire neighborhoods and the people in those neighborhoods feel forgotten by the City and, as a result, disconnected from it.

Current policies on how to prioritize road repair have the effect of maintaining certain roads and neglecting others, especially on the west side of South Bend. Many people are generally unaware of the practice of having council members recommend road repairs and, therefore, do not make requests. Those who are better connected have the advantage of having their particular street cared for. This result is an inconsistent road maintenance policy.

Recommendations:

Immediate Implementation:

(32) Maintain sidewalks on City owned properties, especially vacant lots.

Within Six months:

(33) Maintain the infrastructure equally in all neighborhoods of the City.

Within one year:

(34) Create a more equitable road repair program that focuses on neighborhoods, not scattered streets across the City.

III. Education Subcommittee

As noted in the reports of the other Reparatory Justice Subcommittees, South Bend's history of racial discrimination in housing, employment, and general economic opportunity has resulted in a higher percentage of Black children growing up in severe poverty. This causes children to have less access to quality preschool programs, and consequently less exposure to reading and learning skills.

The result is a greater percentage of Black children than White children being referred to special education and remedial programs in primary school. Remedial and special education students are less likely to complete high school, receive high school diplomas, or continue with other forms of education. This perpetuates the pattern of low-level pay, regular periods of unemployment, and poverty for them and their children. On the other hand, Black students are less likely to be referred to advance placement or honors programs. This also results in fewer high school diplomas or advanced educational gains. Again, these children are more likely to be employed in low paying jobs and, as a result, more likely to live in poverty.

Black children are also more likely to be disciplined more harshly than White children for similar offenses. The consequence of this discipline also increases the likelihood of school drop-out. This increased risk of disproportionate discipline for Black students makes them more likely to receive prison terms than comparable White students.

A. Disparate Discipline

School discipline and full school opportunity for Black students remains disparate compared to White students. The most recent report that the SBCSC submitted to the federal court updating the SBCSC's compliance with the Consent Decree⁴⁶³ shows that for school year 2024-2025, Black students received 63.9 percent of the 2,335 in-school suspensions, and 3,593 of the

5,728 out-of-school suspensions (62.7 percent).⁴⁶⁴ SBCSC discipline records from 1980 to 1999 show that the total out-of-school suspensions in those years averaged about 2,882, with over 50 percent of these being Black students. The highest rate of suspensions for Black students was 55.7 percent in 1999. Expulsions were lower during the years 1980 to 1990, where the average was 43 per year. Expulsions from 1995 to 1999 increased to an average of 160 per year. In all years, the number of Black student expulsions exceeded 56 percent, with the worst percentage in 1995 with 70.2 percent of the expulsions being for Black students. In 2024-2025, there were 174 expulsions, of which 113 were Black students (64.9 percent).⁴⁶⁵

Former SBCSC School Board member and education chair of the NAACP, Oletha Jones, told the Education Subcommittee that during the late 1990s there was increased focus on discipline in schools and more rigid discipline through suspensions. She stated that Black children were often targeted and consequently suffered loss of self-esteem. Her experiences support the statistics.

A program initiated by SBCSC schools through their resource officers between 2010-2014 illustrates the harm to Black students when discipline is inequitably applied. South Bend Tribune journalist Kim Kilbride reported on August 24, 2014, that from 2010-2014 tickets were issued to students for behavior code violations, in most cases for involvement in fighting.⁴⁶⁶ The tickets were not criminal in nature, but they were punitive. Students who received a ticket were required to pay fines and court costs as high as \$140.00. Other sanctions applied if the ticket was ignored. Sanctions for ignoring a ticket included placement in a student's permanent record and the student resource officer's recommendation to the Indiana Bureau of Motor Vehicles (BMV) that the student's driving privilege be suspended.⁴⁶⁷

This program, attributed by one school board member to the "zero-tolerance era," was problematic for many reasons. There were errors in the citations and, in half the cases, the student's driving privileges were suspended because the student failed to respond.⁴⁶⁸ Significantly, 74 percent of the tickets went to Black students who constituted 30 percent of student enrollment at that time.⁴⁶⁹ This may also have impacted student employment opportunities. Names remained in the State database and former students may still be unable to obtain driving permits or licenses.

This is consistent with nationwide findings. National, peer-reviewed scientific studies have shown that neither socioeconomic status nor higher rates of disruptive behavior by Black students accounts for the disproportionate level of discipline meted out to Black students. In their

study “African American Disproportionality in School Discipline: The Divide Between Best Evidence and Legal Remedy,” authors Russell Skiba, Suzanne Eckes and Kevin Brown cite studies showing that a “disproportionate number of students suspended and/or expelled from school are from low-income families or students of color.”⁴⁷⁰ A 2002 study by M. S. Donovan and C. T. Cross confirms that Black children are disproportionately poor, and that poverty brings high risk of exposure to toxins such as lead, alcohol, and tobacco. Poor children are more likely to have low birth weight and less adequate nutrition, all of which can affect cognitive and emotional development.⁴⁷¹

The researchers cited a study by Donald Stone (1993) in which he surveyed 35 school systems with a student population of more than 1.3 million seeking data on school suspensions. The study showed that although the student population was nearly evenly split between Black and White students, 71 percent of the suspended students were Black. The Skiba article notes that research on racially disaggregated discipline rates “yielded no evidence that African American over-representation in school suspensions is due to higher rates of misbehavior, regardless of whether the data are self-reported, or based on analysis of disciplinary records.”⁴⁷² In fact, they cited studies which show that Black students are punished more severely for less serious and subjective infractions.

These nationwide studies support the accounts of discriminatory and disproportionate discipline that Black students in South Bend received from White teachers and administrators in past years. These national studies also underscore the importance of reviewing the data that shows Black students in the SBCSC system continue to be disciplined disproportionately despite SBCSC the 1981 Consent Decree that was intended to address the issue.

Recommendation:

Immediate Implementation:

(35) The SBCSC should track and study expulsions and behavior related discipline and engage professionals from the mental health services and behavioral sciences to advise and help address and reduce the racial disparities that have historically existed.

B. Disproportionate Academic Placement and Classification

In South Bend, Black children have been disproportionately labeled learning disabled and disproportionately placed in special education. Conversely, Black children are rarely recommended for honor programs.

One White educator whose teaching skills were highly regarded worked in the SBCSC during the 1980s and 1990s stated that Black children were not capable of advanced placement work. This perception was likely shared by other White SBCSC educators. One of the Education Subcommittee members, himself a former educator for decades in the SBCSC, observed that few Black students were recommended for honors classes which he attributed to the lack of Black school counselors at that time.⁴⁷³

Ms. Oletha Jones informed the Education Subcommittee that “mild cognitive impairment” was the label most often used to place Black children in special education when there was no specific diagnosis but the child was performing suboptimally. Ms. Jones also noted that in addition to stigma, this placement also resulted in students receiving a “watered down curriculum,” one below their actual learning potential.

Members of the Education Subcommittee reviewed the SBCSC’s data on classroom placement. They observed a consistent pattern of disproportionality, with a higher percentage of Black students being placed in special education classes. In 2013, the disparate referral of Black students to special education programs was the topic of a South Bend Tribune article “Are black students singled out?” by reporter Kim Kilbride.⁴⁷⁴ Ms. Kilbride stated that “The state [of Indiana] has cited the South Bend Community School Corp. for overidentifying black students with both cognitive and emotional disabilities.”⁴⁷⁵ She also said that the State’s Department of Education “found that between 2010 and 2012, legally required procedures weren’t followed for identifying those students.” The procedural deficit meant that the evaluation process may have been inaccurate. Statistics included with this news article showed that for 2011-2012, 2.2 percent of all SBCSC students were identified as having an emotional disability, and 2.5 percent as having a cognitive disability. For Black students, the percentage were 3.4 and 3.6 respectively.⁴⁷⁶ There is also a consistent history of reverse disproportionality, with fewer Black students enrolled in higher level courses such as AP, Level IV and V, and high-level math, English, and foreign languages.

During the implementation of the Consent Decree, efforts were made to change this pattern by having Black students team-up to enroll in these classes together to address issues of isolation. It was also noted that some Black students were feeling “inadequate” and feared the course level work would be above their capabilities. In some instances, encouragements were made to increase their enrollment.⁴⁷⁷

Research on reasons for this disproportionality are puzzling. The student assignment process through teacher referral could be an issue. Even with high standardized test scores, Black students are less likely to be assigned to high-level courses. South Bend's statistics are affirmed by data from the U.S. Department of Education and the College Board which show Black students are significantly underrepresented in Advanced Placement (AP), International Baccalaureate (IB), dual enrollment, and gifted/talented programs compared to their total high school enrollment share."⁴⁷⁸ A Study released by the American Educational Research Association ("AERA Study"⁴⁷⁹) in 2021 found that Black students are often overlooked by gifted and talented programs. Its authors, Jason A. Grissom and Christopher Redding stated that:

1. "Consistent with prior research, "Black and Hispanic students are underrepresented in gifted programs."⁴⁸⁰
2. Black and low-income students do not see the same academic gain that their peers experience when receiving gifted services.⁴⁸¹ "[T]he benefits of gifted services may not be equally distributed."⁴⁸²

Christopher Redding questions whether the offerings of gifted programs "are adequate for serving the needs of high ability students from historically marginalized groups."⁴⁸³

Data from the Office for Civil Rights (OCR) at the U.S. Department of Education reveal that as of 2009, Black students constituted 16.7 percent of student population but just 9 percent of students in gifted programs. Participation in gifted and talented programs can improve motivation, self-sufficiency, and the love of learning. A lower percentage of Black students attend a school where gifted and talented programs exist making a placement in these programs impossible. Even when they match the gifted and talented criteria, Black students are less likely to be referred to a gifted program.

Research has shown that teacher discretion in referrals is an "important contributor to this inequity."⁴⁸⁴ Teachers refer a majority of students to gifted and special education programs, and if a teacher is biased, their bias will be reflected in the referral.⁴⁸⁵ The AERA Study found that Black teachers were three times more likely to assign Black students to advanced programs, and that when universal testing for advanced programs rather than teacher assignment was used in Florida to determine advanced program placement, 80 percent more Black students were placed in advanced programs.⁴⁸⁶

High school graduation and college attendance has been historically lower for South Bend's Black public-school students perhaps due to factors such as racially disparate discipline and

higher placement in special ed programs. The cost of college education is also more onerous for Black students due to higher poverty, lower home ownership, and other recognized racial wealth gap disparities.

Recommendations:

Immediate Implementation:

(36) Free GED preparation programs should be provided by the SBCSC to any Black former SBCSC student who now desires to obtain their GED and who quit school within the last 20 years before achieving high school graduation.

(37) After-school tutoring for Black students should be available in schools or in after school care agencies. Academic support must be made available as needed to Black students participating in honors or advance placement classes to ensure equitable success of these students.

(38) Wrap around services within the SBCSC should be implemented or made available within the SBCSC system to provide personalized support to South Bend's Black students and their families which address urgent or persistent issues in housing, healthcare, hunger, transportation, and similar matters.

Within one year:

(39) The SBCSC should partner with IUSB, Ivy Tech, or other local higher education programs to provide all high school students with the opportunity for two years college credit and an Associate's degree. This program must be given special promotion and outreach to Black students and should engage parents of those students.

Within three years:

Leader mentorship programs such as "100 Black Men" have had a positive impact on Black youth achievement. South Bend community Black leaders like Lynn Coleman and George McCullough credit Charles Martin with recognizing their potential and encouraging their self-development.

(40) SBCSC will partner with and work affirmatively to incorporate within the entire SBCSC system Black youth mentorship programs such as 100 Black Men and will designate a specific SBCSC administrator to coordinate and promote the program activities within the SBCSC schools. The SBCSC will also provide staff presence in after school events or sessions of such program.

C. Teacher Unawareness of and Insensitivity to Black Children's Experience

Teachers have not been properly trained in the knowledge and understanding of Black life and culture, which differs from their own. Fewer Black teachers and counselors result in Black students with fewer role models with whom they can identify.

Culturally responsive sustaining education is not a set of teaching strategies and it is not simply sprinkling student culture into the classroom; it is an education philosophy that calls for deliberately embedding students' cultures into the very processes, inputs and outputs of school.⁴⁸⁷

As described more particularly in the Donovan and Cross study:

More specifically, teachers should be familiar with the beliefs, values, cultural practices, discourse styles, and other features of students' lives that may have an impact on classroom participation and success and be prepared to use this information in designing instruction."⁴⁸⁸

At the time Barbara Brandy attended Linden School in 1948, when it was a majority Black student body, there were no Black teachers.⁴⁸⁹ The first Black teacher in South Bend was hired in 1950 and placed at Linden School.⁴⁹⁰ It was not from a lack of qualified Black teachers that Black students have no racial role models. Alma Powell, Education Subcommittee chair, distinguished South Bend K-12 educator, and first Black woman principal within the SBCSC, stated that in the late 1970s her education program at Indiana University assigned her to do her student teaching in one of SBCSC's gifted student classrooms. After meeting Alma, the SBCSC teacher called IU to tell them she would "not be able to take a student teacher this year." Yet, the same teacher continued to take student teachers in following years.

A mother who attended one of the Reparations Commission's public forums recounted that her Black son's South Bend school recommended that he be placed in a special education program. She refused and withdrew him from public school. She enrolled him in a Catholic school where he did much better. In fact, he graduated from college and currently has a Master's degree.

Alma Powell recalls vividly what her mother was told by Alma's counselor at Washington High School in the 1960s. "Mrs. Nesbitt, your daughter is very bright, and excellent choices for her would be to go to Michiana College of Commerce or a beauty school." With effective teacher culture training, the SBCSC guidance counselors' suggestions that Alma Powell go to commerce or beauty school, that George McCullough work in a factory, and that a student who now holds a Master's degree instead be referred to special education may not have occurred. Teacher culture training reduces teacher misperceptions and stereotypes about a student's race and contributes meaningfully to students' sense of dignity in supporting them to achieve academically.

Ms. Powell may have the motivation to succeed and overcome prejudice, but not all students can do this. Not all students have a strong family support base or neighborhood mentors. Ms. Powell reported the importance of one of her mentors, Ms. Ruby Joyce-Jarrett, a neighbor and one of SBCSC's first Black hired teachers.

Oliver Logan, chair of the program 100 Black Men of South Bend, spoke to the Education Subcommittee in February 2025. He emphasized the benefits of mentorship for Black male students to provide middle and high school students with 1) a sense of belonging, 2) improved academic performance and increased high school graduation rates, and 3) a reduction of risky behavior. Mr. Logan also said that maximum success of the 100 Black Men program occurred when strong support came from both the school administration and the assigned faculty coordinator at the participating school. An effective guidance counselor knows best those students who would benefit from the self-esteem and leadership cultivation that the program provides. Mr. Logan cited the example of Edison School's successful program due to the enthusiasm and work of a specific guidance counselor.

Because the schools do not have enough Black teachers to be mentors and role models, SBCSC's official promotion and encouragement of Black student participation in such programs would benefit participating students.

Recommendations:

Within six months:

South Bend's history and national studies show that Black students benefit from Black teachers, and that there are too few Black teachers in the SBCSC in relation to the Black student population. There are also a significant number of non-certified teachers in the SBCSC system.

(41) To increase the number of Black teachers in the SBCSC system, the SBCSC should implement a vigorous recruitment program for Black teachers from the Teacher Education Departments of local, State, and neighboring state colleges and universities. They should intentionally seek out students from Historically Black Colleges and Universities (HBCUs).

(42) The most highly trained, effective Black teachers should be placed in South Bend schools where the Black student population is at or above 35.58 percent and in those schools with the historically lowest graduation and highest school suspension rates.

Within one year:

South Bend's history shows that White teacher unfamiliarity with the physical and emotional effects discrimination has on Black children. These students experience the racial

wealth divide, scarcity of affordable housing, non-reliable transportation, and disparate healthcare, to name just a few hurdles they face. The result may well be a higher rate of Black student's facing discipline, a disparate referral to remedial or special education classes, and a lower rate of placement in honors and advance placement programs in South Bend schools. Increased teacher knowledge and understanding should help improve these past negative outcomes.

(43) Until cultural competency programs become a mandatory component of teacher certification, the South Bend Community School Corporation (SBCSC) should develop or obtain and sponsor an effective annual training on Black racial cultural competency and sensitivity, classroom management, behavior strategy, child brain development, and should require that every teacher, including substitutes, attend this program upon hire and once every three years thereafter.

(44) Certification by all teachers employed in all SBCSC schools should be effectuated, and teacher certification must be required to teach the Core K-12 curriculum and social studies classes.

D. Need for Quality Preschool for Black Children

[S]tudents who attend high-quality pre-school programs reap benefits that can last through school and their lives.”⁴⁹¹

This summary of a 2019 National Research Review by the Learning Policy Institute affirms the importance of early childhood education,⁴⁹² and why the learning outcome of Black children in South Bend would be enhanced with increased, quality preschool programs.

National data indicates that children who attend quality preschool programs are less likely to be tracked into special needs programs,⁴⁹³ In the SBCSC a high percentage of Black children are enrolled in special education than would be expected. Preschool attendance also impacts the rate of grade repetition. Children attending quality preschool are “less likely to be...retained a grade in school.”⁴⁹⁴

Even when students are only followed into elementary schools, studies find significant benefits in lower rates of grade retention and special education that offer partial return on the investment. High quality pre-school programs can also help close the gap in school and life outcomes between those raised in low-income families and their wealthier peers.
*Stephen Barnett*⁴⁹⁵

The St. Joseph/Elkhart County Head Start Program needs increased funding. Presently, 400 children are on the wait list. 90 percent of the existing slots are filled with 3- to 5-year-olds getting a quality preschool experience. Early Head Start, which enrolls children from 0-3 years

old also has a huge wait-list. It is important for Head Start and other qualified programs to have qualified teachers and adequate resources to allow all eligible children the chance for quality preschool. While the SBCSC is implementing an assertive effort to enhance preschool offerings, it only enrolls those students who are age appropriate for entering kindergarten the next year.⁴⁹⁶

Educational professionals know that the foundation for educational achievement is well set in the early years of a child's life. Teachers can tell which children have been read-to, used a pencil, or even taught to sit still and listen. However, it is also obvious when there has been assertive action to erase these deficits. Mentoring, preschool and tutoring can erase some of these shortcomings.⁴⁹⁷

Disparities in educational achievement are established early in the life course, and once these gaps are established, children's prospects of upward mobility are diminished." (Kalil, 2015) *Journal of Educational Psychology* 2018, March 8.

Quality preschool education can benefit middle-class children as well as disadvantaged children: typically developing children as well as children with special needs; and dual language learners as well as native speakers." (Investing in our Future: The Evidence Base on Preschool Education-
<http://fed-us.org/resources/evidence/base-preschool>)

Recommendations:

Within six months:

(45) Reading programs should be required in all South Bend daycare centers; and free training or materials on effective preschool reading techniques should be provided to day care owners and staff.

Within one year:

Preschool child education focused on reading, language arts, math, and general intellectual curiosity prepares and promotes confidence in children before they enter mandatory primary school. This has not been available to most South Bend Black children due to greater levels of poverty, housing instability and other related factors. This lack can lead to early academic underachievement and disinterest in school, accompanied by challenging behavior.

(46) The City of South Bend, SBCSC, social agencies, and employers in South Bend should unite to promote and provide early, free, or minimal cost, effective early childhood education programs to be located within South Bend's high poverty geographic areas and should monitor the results of this education upon the participants through their primary school years.

(47) The South Bend Community Foundation should partner with the South Bend Branch of the St. Joseph County Library to assure that every preschool child living in a designated low-income area of South Bend (the former redlined geographic areas) has received a Dolly Parton free book, and create a program to distribute another book to every such Black child at ages three and four with opportunities for "book readings" at the closest Library branches.

IV. Health and Mental Health Subcommittee

Systemic racism in South Bend has been historically embedded in policies and practices that shaped where Black residents could live and the resources available to them. These discriminatory practices concentrated Black communities in neighborhoods with long-term disinvestment, environmental hazards, and limited access to healthcare, healthy food, and economic opportunity. As a result, many Black neighborhoods continue to experience higher social vulnerability, including poverty, housing insecurity, and exposure to environmental stressors. In 2020, the St. Joseph County Health Department declared “racism to be a public health crisis that affects all members of our community and deserves action from all levels of government and civil society.”⁴⁹⁸ The longstanding history of discrimination has been well documented in this report and does not need repeating. However, it is also important to understand that a person’s health outcome is affected by many non-medical factors such as illustrated below.⁴⁹⁹

Figure 2

Social and Economic Factors Drive Health Outcomes

Economic Stability	Neighborhood and Physical Environment	Education	Food	Community and Social Context	Health Care System
Racism and Discrimination					
Employment	Housing	Literacy	Food security	Social integration	Health coverage
Income	Transportation	Language	Access to healthy options	Support systems	Provider availability
Expenses	Safety	Early childhood education		Community engagement	Provider linguistic and cultural competency
Debt	Parks	Vocational training		Stress	Quality of care
Medical bills	Playgrounds	Higher education		Exposure to violence/trauma	
Support	Walkability				
	Zip code / geography				

Health Outcomes: Mortality, Morbidity, Life Expectancy, Health Care Expenditures, Health Status, Functional Limitations



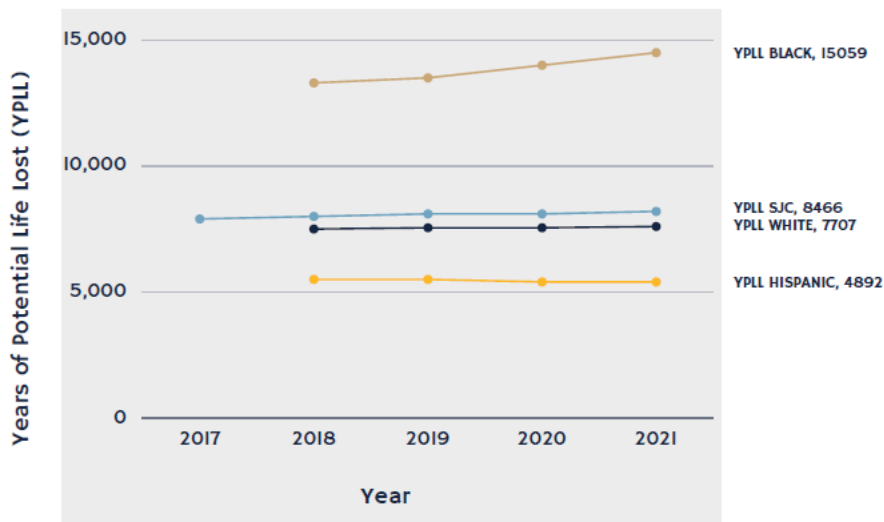
Crucially, research also shows that supportive relationships, community connection, and environments that promote safety and stability can help buffer stress-related and epigenetic harms. By addressing the root causes of systemic injustice and centering community voice,

reparatory justice efforts have the potential not only to improve present-day conditions but also to interrupt the biological and social transmission of harm—supporting healing, resilience, and long-term wellbeing for Black residents in South Bend.

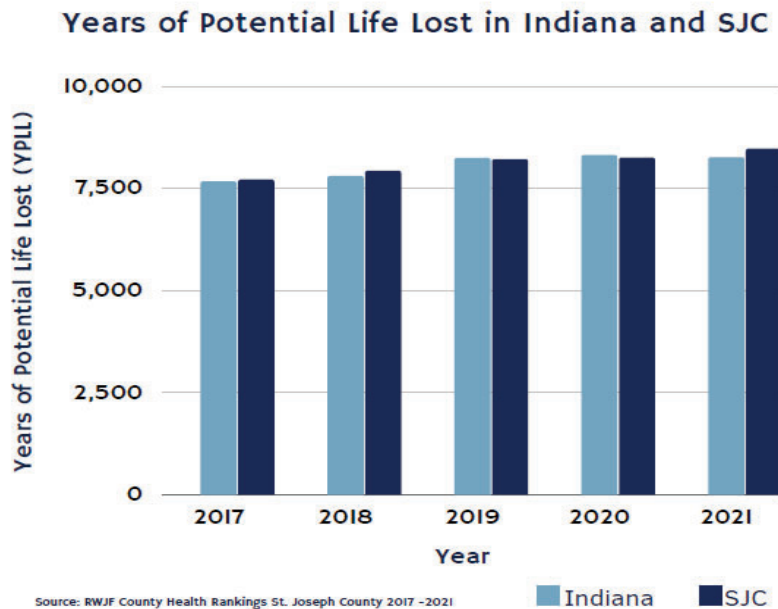
A. Years of Potential Life Lost (YPLL)

Years of Potential Life Lost (YPLL)⁵⁰⁰ is a measurement of premature death that estimates “the average time a person would have lived had he or she not died prematurely.”⁵⁰¹ YPLL is recognized as a measure of preventable deaths.⁵⁰²

Years of Potential Life Lost in SJC by Race/Ethnicity



Source: RWJF County Health Rankings St. Joseph County 2017 -2021

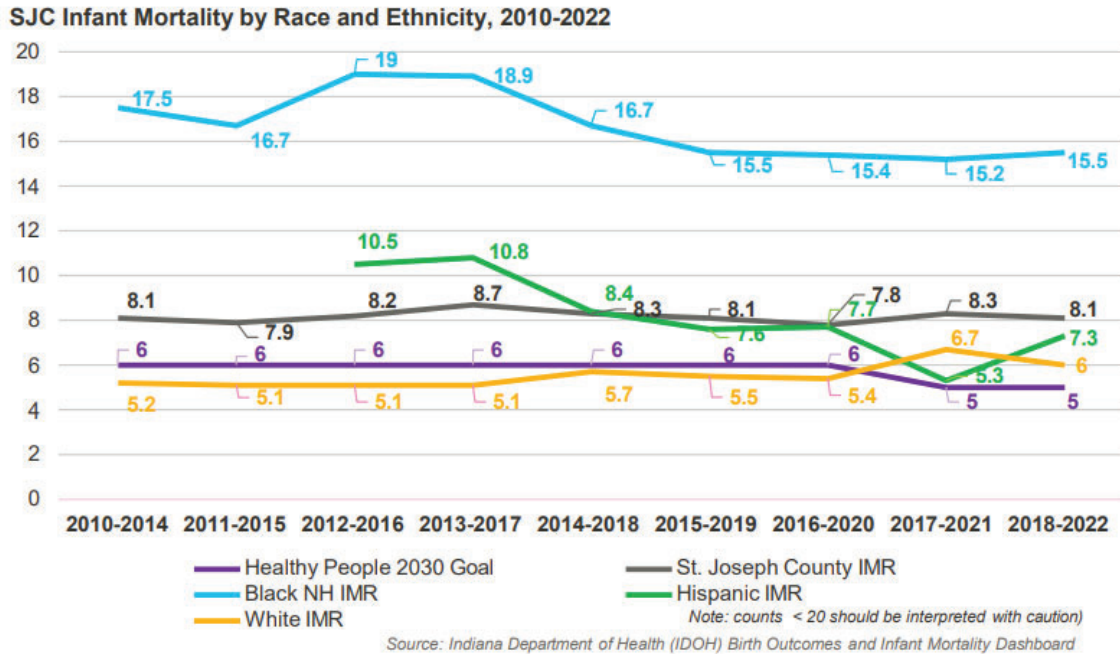


Indiana residents had a YPLL of about 8,600 and St. Joseph County’s YPLL was 9,800. The YPLL for the county’s Black residents for the same period was 17,600. What this means is that Black residents of the county have lost twice the number of years of potential life than other Indiana residents, and only slightly less than twice as many as other residents of St. Joseph county. In fact, “[b]lack life expectancy in St. Joseph County is 5 years less than White life expectancy.”⁵⁰³ A 1985 report by the US Department of Health and Human Services confirmed that there are “no intrinsic biological reason” for there to be disparities such as these. Instead, they “are driven by the burden of acquired risk factors, influence of social determinants of health, limitations in access to care, and structural barriers indicative of bias (ie. structural racism.)”⁵⁰⁴ The findings of the commission are consistent with this conclusion.

According to a 2020 report, *The Chartbook On Healthcare for Blacks in St. Joseph County*, “the overall mortality rate (deaths per 100,000) for blacks is prematurely 71.2 percent larger than whites.” These premature deaths result in economic and social losses to the community.⁵⁰⁵ The reasons for these lost years are not consistent over demographic groups. For example, Black youth are disproportionately affected by assaults and particularly firearm assaults and, therefore, have a much higher rate of death related to violence. In fact, death by homicide was the leading cause of death for Black males ages 15-24 and 25-34 years of age.⁵⁰⁶ Diseases such as cancer and heart disease are more relevant for other age groups.

B. Infant Mortality and Birth Outcomes

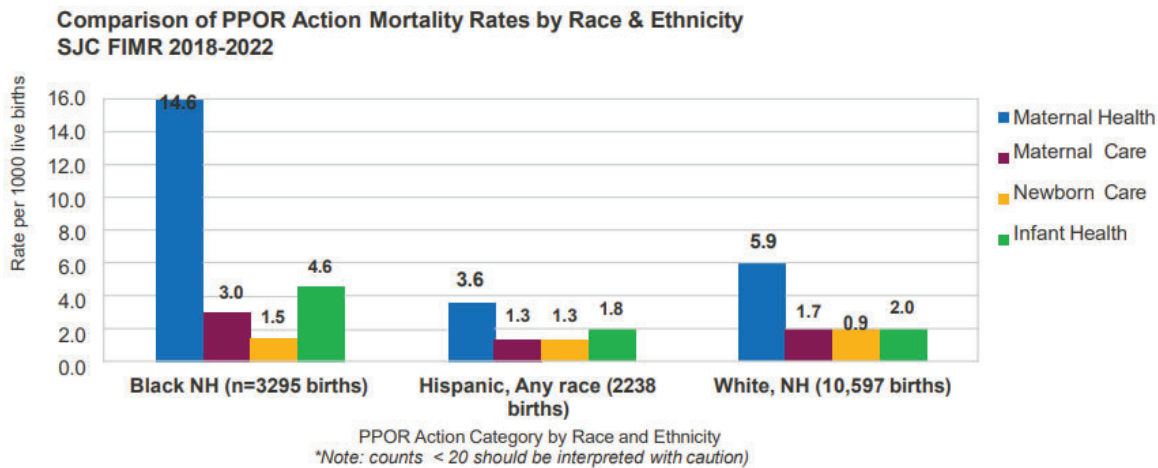
Infant mortality is a specific area of concern. According to the Indiana Department of Health’s 2021 report on Infant Mortality and Birth Outcomes, “infant mortality is the number one indicator of health status in the world.”⁵⁰⁷ Black infant mortality “is more than three times higher than white infant mortality.”⁵⁰⁸ St. Joseph County residents fares poorly on this metric and Blacks in the county fare even worse. The county’s infant mortality rate from 2017-21 was 8.4 per 1,000 live births, while the Black infant mortality rate for that same period was 15.2 per 1,000 live births.⁵⁰⁹ In its 2020 Health Equity Report, the health department reported that infant mortality rates for Black children were three times higher than those of White children.⁵¹⁰ The graph below illustrates the problem:



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Low birth weights can make a child more susceptible to sudden infant death as well as “delayed motor and social and learning skills.”⁵¹² The percentage of Black low-birth-weight

infants was 92 percent higher than that of White infants.⁵¹³ Below is a graph which shows the Perinatal Periods of Risk (PPOR) action areas by race and ethnicity, accounting for population size and total births. The graph displays the disparity in PPOR categories with the Black Non-Hispanic (NH) being 2-2.5 times the White and Hispanic rates. The PPOR category for Maternal and Infant health are the most common areas for action to prevent loss. As with other



preventable deaths, the SJC FIMR annual report also points out that 59 percent of the infant losses for Black Non-Hispanics had a chance for prevention.

C. Chronic Health Issues

Research demonstrates that chronic exposure to racism and social disadvantage affects health not only through lived experience but also through biological mechanisms, including epigenetics. Prolonged stress can influence how genes are expressed—without changing DNA itself—by altering stress-response systems in the brain and body. These epigenetic changes can increase vulnerability to chronic disease, mental health challenges, and impaired stress regulation, particularly when exposure begins in childhood or occurs across generations.⁵¹⁴

Persistent activation of the body’s stress-response systems due to discrimination and unsafe environments has been linked to higher rates of hypertension, diabetes, asthma, and adverse mental health outcomes. Adverse childhood experiences associated with systemic oppression can further compound these effects, disrupting emotional regulation and increasing health risks across the lifespan. Importantly, emerging evidence suggests that the biological impacts of systemic stress may be transmitted intergenerationally, reinforcing inequities over time.⁵¹⁵

For older residents, it is chronic disease that robs Black residents of potential years of life. Blacks living in the St. Joseph county “die at twice the rate as Whites from heart disease, stroke,

and diabetes in their later years.”⁵¹⁶ The vast majority of these Black residents live in the City of South Bend. Unfortunately, Blacks also fail to “seek or receive prevention-related services at the same rate as Whites, are less likely to be diagnosed with these chronic conditions,(sic) and so suffer higher emergency room visits and hospital stays for conditions that are ‘preventable.’”⁵¹⁷ Additionally, Blacks in St. Joseph County are more likely to be uninsured than the county’s White residents.⁵¹⁸ The result is that Black residents are less likely to see medical professionals or receive preventative care and, when they do, medical professionals are less likely to believe Black patients who do report symptoms.

Black residents of the county suffer many illnesses in disproportionately high numbers. Black men were diagnosed with cancer at a level 1.2 times higher than their White counterparts. Once diagnosed, mortality rates for Black men were “notably higher” than for Black women or White men and women.⁵¹⁹ Black men were more likely to die from colon, rectum, and prostate cancers. The rate of new cancer incidents was not significantly higher for Black men, but the mortality rate was 28 percent higher. This may also be because, as previously mentioned, Blacks may be less likely to seek medical attention early. An example can be seen in mammogram utilization, with White women being more likely than Black women to receive mammograms.⁵²⁰

There are also disproportionate deaths related to heart disease for Black residents of the County.⁵²¹ According to the health department, from 2017-19, elderly Blacks had a 26 percent higher cardiovascular disease death rates than their White counterparts.⁵²² Blacks were also more likely to be hospitalized for cardiovascular disease than Whites from 2010-18.⁵²³ Blacks were also 50 percent more likely to have a stroke as compared to their White counterparts, and Black men 35 and older were 63 percent more likely to die from stroke than White men. Stroke hospital admissions are 41 to 44 percent higher in St. Joseph county than the rates in Indiana or the nation.

The rate of diabetes and death from diabetes was also much higher for Blacks in the County. In the years for which we have data (2011-19), the average death rates for Blacks was 62.5 and 23.9 for Whites – a ratio of 2.6:1.⁵²⁴

Recommendations:

Because economic well-being, housing, and education are such important determinants of health, adopting the recommendation in those areas will also benefit the health of all communities in South Bend.

Immediate Implementation:

(48) Fund programs that provide prenatal care, doula services, and postpartum support for Black mothers. Partner with local hospitals to reduce Black infant mortality and low birth weight disparities

Within one year:

(49) Increase the number of community health workers, health navigators, and peer support specialists. Hire and train these positions with people from the Black communities to assist residents in access insurance, scheduling appointments, access mental health services, and understanding treatment options.

(50) Mandate an annual public report on health disparities, progress on reparatory initiatives, and community feedback sessions.

(51) Ensure access to healthy and affordable foods, especially on the west side.

Within three years:

(52) Establish a Black Health Equity Fund dedicated to supporting health initiatives for Black residents, including preventative care, chronic disease management, and maternal health programs.

D. Mental Health

From 2015-2019, Black county residents were “42 percent more likely to die from ‘mental, behavioral and neurodevelopmental disorders’ than whites.”⁵²⁵ Derrick Perry, a social worker at Oaklawn Treatment Center, told members of the healthcare subcommittee that 21 percent of Black people experience mental health concerns, but fewer than four in ten of those individuals seek mental health services. Black people are less likely to receive counseling or treatment and are more likely to be arrested when they experience a mental health breakdown. Mr. Perry noted that the stressors Black people face make their symptoms more acute. Perry said that Blacks experience mental health crises at the same rate as the general population, but Blacks report having higher levels of distress.

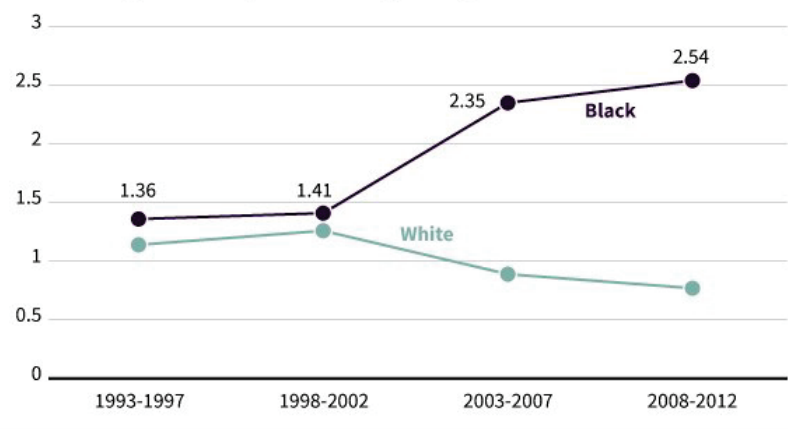
Dr. LaRissa Buggs, a psychiatrist in South Bend, spoke to the Commission on a number of occasions. Among other issues, she expressed concerns that a distrust of the mental health system and a disconnection from those mental health services causes harm to the entire healthcare

system. “If you feel that you have access, you feel like you have the ability to comment. If you don’t have access you are less inclined to ask questions.” This prevents people from engaging with mental health services. In addition, some potential patients are uncomfortable sharing their mental health issues with counselors and physicians that do not share cultural values and experiences. There are very few counselors of color in the South Bend area leaving those with mental health issues with few treatment options.

While peer counseling cannot fill the role of physicians and trained counselors, they can assist with front line interventions and assistance. This can be especially important in moments of crisis. From 2015-19, Blacks were 42 percent more likely to die from mental, behavioral and neurodevelopmental disorders. That might account for the high rates of suicide among Blacks, and particularly young Black men. Suicide is the third highest cause of death for Blacks between the ages of 10-24.⁵²⁶

The Suicide Rate For Black Children Is On The Rise

Suicide rate, per 1 million, for children aged 5-11 years in the U.S.



Source: JAMA Pediatrics

THE HUFFINGTON POST

Recommendation:

Immediate Implementation:

(53) Support efforts in the community to increase the number of peer counselors.

Within six months:

(54) Establish community-based mental health centers.

E. Continued Discrimination and Lack of Trust the Medical Profession

The history of medical experimentation on Black patients and the continued misinformation regarding their care, has created a mistrust of the medical community. This mistrust is rooted not only in historical events but also in contemporary experiences within healthcare systems. Historic examples such as the Tuskegee Syphilis Study and other unethical medical practices involving Black Americans have contributed to long-standing skepticism toward medical institutions. Research has shown that these historical injustices continue to shape perceptions of the healthcare system today and influence whether individuals seek care, participate in research, or trust medical guidance.⁵²⁷

Modern research further demonstrates that disparities in care persist even when controlling for factors such as income, insurance status, and severity of illness. The National Academies report concluded that racial and ethnic minorities frequently receive lower-quality healthcare than White patients across a range of services, including preventive care, diagnostic testing, and treatment recommendations.⁵²⁸

Testimony shared with the Commission illustrates how experiences within the healthcare system continue to reinforce this mistrust. Residents described situations in which their symptoms were minimized, their concerns were dismissed, or they felt labeled negatively when advocating for their own care. As one community member shared with a member of the Reparatory Justice Commission:

“Staff documented that I was a rambler and combative about my health instead of taking me seriously.”

In this instance, the individual reported needing to seek care from multiple providers before receiving a clear explanation of their condition. Experiences such as these can leave individuals feeling isolated when trying to navigate complex medical systems. The individual reported that behaviors used to self-regulate during the evaluation were interpreted as anxiety rather than considered within the context of neurodivergence, and that requests for a second evaluator were denied.

“Answering questions, I was fearful of being misrepresented as a woman of color. I feel alone walking through this process.”

Research suggests that language used in medical records can influence clinical decision-making and the way future providers perceive a patient's credibility or behavior. A 2022 study found that stigmatizing language appeared more frequently in medical records of Black patients compared with White patients, potentially shaping how future clinicians approach care.⁵²⁹

Beyond documentation practices, racial bias has also been identified in pain management and treatment decisions. Studies have shown that Black patients are less likely than White patients to receive adequate pain medication in emergency settings, even when presenting with similar symptoms and diagnoses.⁵³⁰ When individuals repeatedly encounter situations in which their symptoms are minimized, misinterpreted, or inadequately addressed, it can discourage them from seeking care in the future or delay treatment until conditions become more severe. Rebuilding trust therefore requires intentional efforts to ensure transparency, accountability, and culturally responsive care.

Recommendations:

Immediate Implementation:

(55) Establish a comprehensive directory showcasing Black therapists, doctors, and nurse practitioners

Within six months:

(56) Develop culturally competent healthcare teams

Within one year:

(57) Create scholarships and mentorship programs for Black students pursuing careers in healthcare. Partner with local universities and hospitals to increase representation in medical fields.

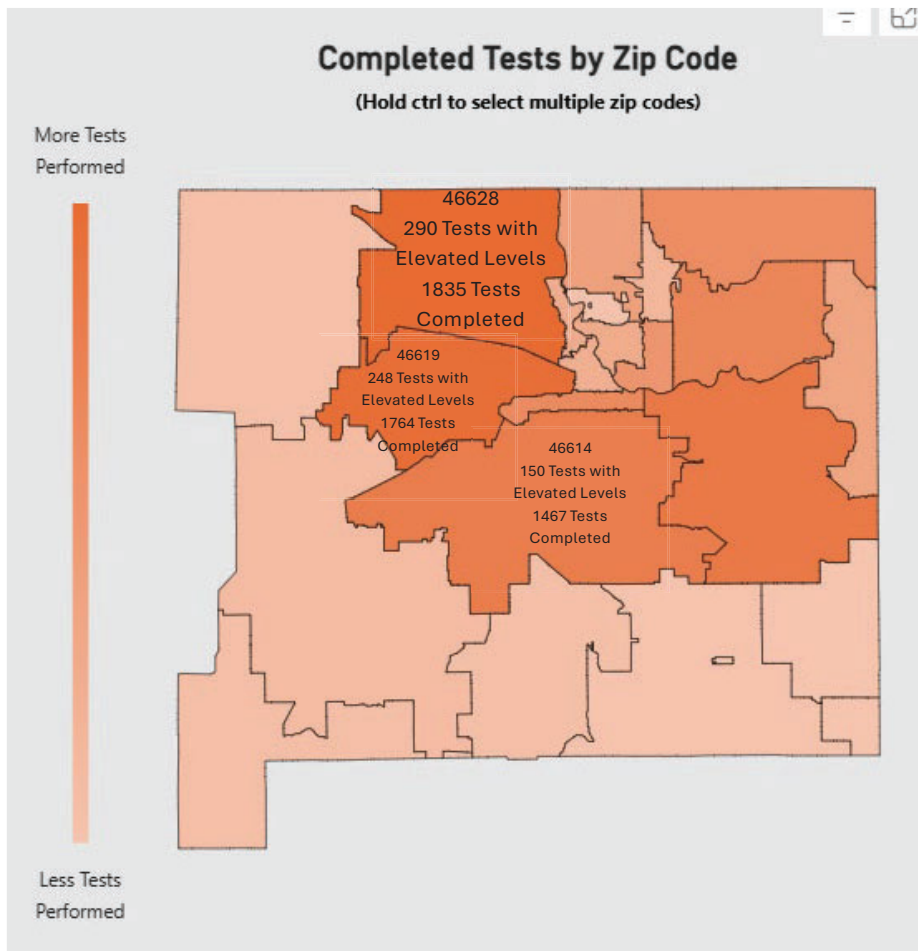
E. Environmental Issues

1. Lead contamination:

Lead occurs naturally in the soil, but it has also been added to several household products. Lead in gasoline was phased out beginning in the 1970s but not finally banned until 1996.⁵³¹ Lead was a component of both interior and exterior house paint until 1978. 70 percent of the homes in South Bend were built before 1978 and, therefore, most of the homes in the City

contain lead paint.⁵³² Finally, high lead levels can be caused by industrial pollution, which will be discussed below. Low-income residents, especially Black residents, are more likely to be exposed to these hazards because they are more likely to live in neighborhoods and houses where the hazards are more prevalent.

“Lead can cause a variety of severe and irreversible health problems, including decreased muscle and bone growth, speech and language problems, learning disabilities, attention deficit disorder, and decreased intelligence.”⁵³³ Lead targets the nervous system. Prolonged exposure can increase blood pressure, anemia, and decreased neurological functions. Higher levels can cause brain damage, liver damage, and death.⁵³⁴ Lead exposure is especially dangerous for children and pregnant women and no level is considered safe.⁵³⁵



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Children can be exposed to lead by inhaling lead dust or ingesting paint chips, or the dust that is on their hands or toys. Data collected from 2005-2015 showed the problem of childhood lead poisoning is highest in two of South Bend’s westside neighborhoods, both of which have high

minority populations.⁵³⁷ Unfortunately, few children are tested and fewer homes are remediated for lead contamination.⁵³⁸

Recommendation:

Immediate Implementation:

(58) Enhance the City lead removal program supporting the homes in the zip codes with the highest risk to lead exposure (46613, 46619, and 46628).

B. Environmental Issues in LaSalle Park Neighborhood

As stated earlier, South Bend's Black residents are more likely to live in neighborhoods where the houses have elevated lead levels, or in areas where abandoned factories left large brownfields and hazardous environmental waste in their wake. Many residents believe these factors play a role in myriad of health issues confronting South Bend's Black residents. Several people raised the concerns that many older people have died and continue to die from cancer and other diseases in the LaSalle Park/Beck's Lake neighborhood. There is a persistent belief in the community that industrial contamination connected with the dumping of toxins in the lake and what became the nearby park played a role in the higher rate of disease in the area.

The census tracts located in the LaSalle Park/Beck's Lake neighborhood have the lowest life expectancy in the county – in some cases five to seven years lower than the county average of 77.4. Additionally, the history of racial discrimination, mistreatment and exploitation of Black residents by the medical establishment nationally and local has created a culture of distrust. That distrust means that Black people often delay seeking medical treatment until their symptoms become too serious to ignore.

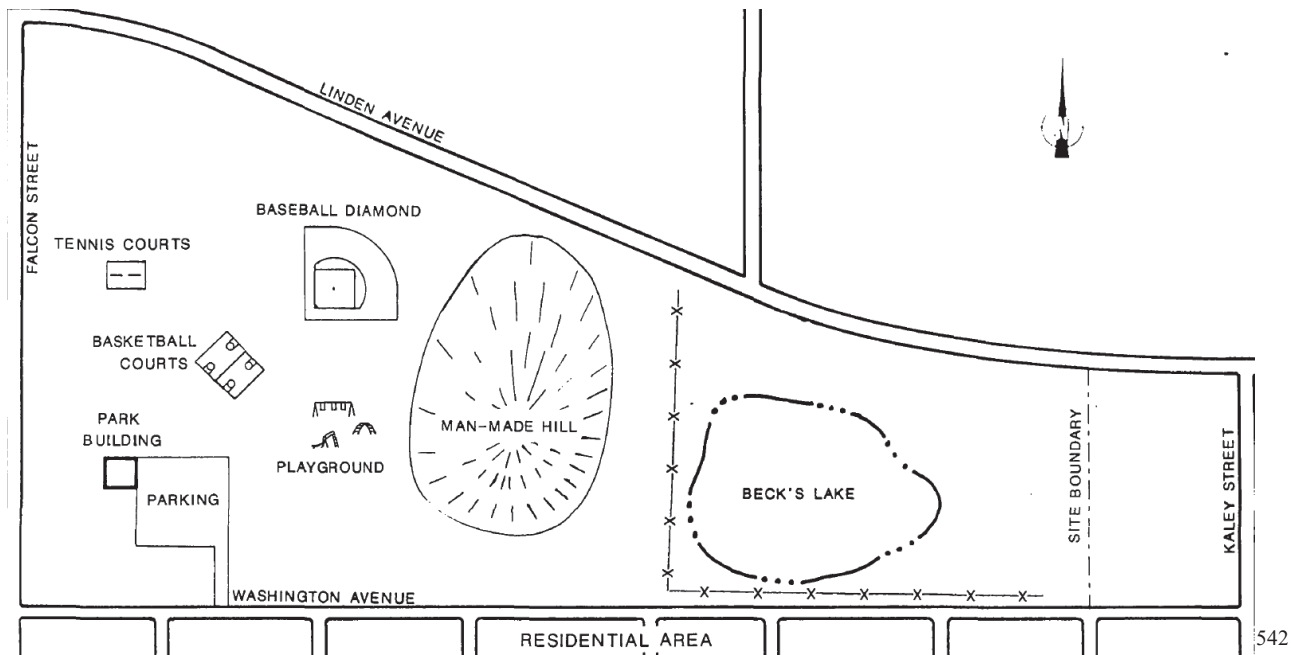
This report establishes the long history of discriminatory housing policy that forced many families to move into the LaSalle Park neighborhood, adjacent to a toxic waste dump. While the dumping ended in the 1950s, the first environmental assessment of the property did not occur until April 20, 1988.⁵³⁹ Information from the Bendix Corporation “indicates that paint wastes, hydroxide sludge, soluble oil and water mixtures, chromic acid, wastewater treatment sludge, nickel waste, stoddard solvents or naphtha, foundry sand, and cyanide waste may have been disposed of at the 17 Bendix sites.”⁵⁴⁰

During the decades that people lived next to this constant dump, we have extensive first-hand accounts of the dust arising from the unpaved roads, children playing in the sludge and mud of the dump, rats running free, and fires burning almost constantly. While some corporations have informed the City of the chemicals dumped in the area, there is no information about exactly what else might have been dumped at the site during the decades it remained a public dump.

The chart, reproduced below, indicates the Environmental Protection Agency's (EPA)'s progress and plans for cleaning up the site.⁵⁴¹

Milestone	Date(s)
Initial Assessment Completed	06/28/1985
Proposed to the National Priorities List	05/24/2013
Finalized on the National Priorities List	12/12/2013
Remedy Selected	10/02/2015
Remedial Action Started	Not Yet Achieved
Construction Completed	Not Yet Achieved
Deleted from National Priorities List	Not Yet Achieved
Most Recent Five-Year Review	Not Yet Achieved
Achieved Sitewide Ready for Anticipated Reuse	Not Yet Achieved

The specific area for the proposed cleanup is indicated below:



In the initial screening site report, the EPA identified approximately 15,689 people who lived within a mile of the dump as being at risk for “direct contact with TCL compounds⁵⁴³ and TAL analytes.”⁵⁴⁴ The report also identified a risk for these hazardous chemicals “to migrate from the site to groundwater”⁵⁴⁵ with possible 128,072 people living within a 3 mile radius of the site being affected.⁵⁴⁶ 100,317 people who lived within a 4 mile radius of the side may have been affected by air contamination.⁵⁴⁷ Remarkably, the report claims “no documentation exists of an incident of fire or explosion at the Beck’s Lake site.”⁵⁴⁸ Clearly, they did not look too carefully for such documentation. A review of newspaper records or conversations with even a single person who lived near the site in the 1950s and 1960s would have verify the numerous fires that plagued the dumpsite. Because no analysis was done at the time, the is no information about any chemical exposure these fires may have caused.

From 1984 to 2009 the EPA continued to do limited inspections and sampling of the site. In 2013, they did a more targeted sample of the LaSalle Park play area.⁵⁴⁹ The site was added to the National Priorities List in December of 2013, but it was not until October of 2015 that Honeywell and the City agreed to formally investigate the site.⁵⁵⁰ It was not until 2022 that a formal clean-up and consent order was finally signed.⁵⁵¹

The consent order goes through a number of different samples taken from the lack from 2001 onwards:

October 2001 lead, arsenic, and Benzo(a)pyrene (BaP) were found to be above safe, acceptable levels

June 16, 2003: “Arsenic was identified in residential areas at levels between 1.9 ppm and 32.9 ppm. Arsenic was detected at 3.5 ppm in the background sample. The benchmark used for comparison of other samples was 10.5 ppm (three times the background level). Seven samples exceeded 10.5 ppm, ranging from 10.7 ppm to 32.9 ppm. • Lead was detected in all 22 samples at levels between 20.7 ppm and 306 ppm. Three samples were detected at concentrations three times higher than the highest background sample level (181.5 ppm). • Chromium was detected in all 22 samples at levels ranging from 5.3 ppm to 152 ppm. Two samples were detected at concentrations exceeding three times the highest background sample level (64.8 ppm).”

October 5 and 6, 2009 and December 20, 2009 “further documented the presence of hazardous substances. Arsenic was detected in concentrations ranging from 2.7 ppm to 32.6 ppm, and six surface soil samples contained arsenic above three times the highest background level (23.7 ppm). Subsurface soil samples collected from borings where historical dumping occurred revealed 8 arsenic levels ranging from 7 ppm to 24.5 ppm. Four subsurface soil samples contained lead in excess of 1,000 ppm. Lead levels above three times the highest background level were detected in one surface sample (665 ppm). Other constituents detected at levels three times above background levels include: zinc, barium, chromium, cadmium, copper, and silver.

July 29, 2013, sampling report measured against the IDEM Remediation Closure Guide (RCG) 2015 Screening Levels; “arsenic levels in 18 surface soil triplicate samples (ranging from 14 mg/kg to 24 mg/kg) that were analyzed using XRF technology and seven of the samples (ranging from 9.4 mg/kg to 14.9 mg/kg) that were analyzed using fixed lab analytical methods were above 2015 IDEM RCG Screening Levels for Residential Soil Exposure (9.4 mg/kg).”

2016: “Honeywell and the City of South Bend took soil samples of the LPA under EPA oversight. Results from the Remedial Investigation/Feasibility Study indicated that seven TAL metals (iron, arsenic, cadmium, cobalt, lead, manganese, and mercury) were detected in surface soils at concentrations at or above direct contact screening levels. Furthermore, four semi-volatile organic compounds (SVOCs) (benzo(a)anthracene, benz(a)pyrene, benzo(b)fluoranthene, and dibenz(a,h)-anthracene) were also detected in surface soils at or above direct contact screening levels. In addition to the surface soil exceedances, nine TAL metals (iron, antimony, arsenic, cadmium, cobalt, copper, lead,

manganese, and mercury) as well as seven SVOCs (benzo(a)anthracene, benz(a)pyrene, benzo(b)fluoranthene, benzo(k)fluoranthene, dibenz(a,h)anthracene, indeno(1,2,3-c,d)pyrene, and naphthalene) were detected in subsurface soils at concentrations at or above direct contact screening levels.”

“Results from the soil sampling indicated that 9 samples from the 0- to 0.5-foot interval had lead levels greater than the EPA RML for residential soil (400 mg/kg) with a maximum concentration of 2,300 mg/kg. Results from the soil sampling also indicated that 14 samples from the 0.5- to 1-foot interval had lead levels greater than the EPA RML for residential soil with a maximum concentration of 6,800 mg/kg”

Stepping back, it is very important to remember that it was intentional discrimination that caused people to live next to this toxic waste dump for the last 100 years. While Bendix and others used this as a dump beginning in the 1930s, it was the City that continued to use the area as a dump knowing people were living next to and nearly on top of this polluted area. While officially closing the dump in 1950, dumping continued until 1967. The City forced people to live here and actually moved people to this site during redevelopment projects.

It was not until 2001 that anyone stopped to ask what the people in this community had been exposed to for decades. One story has been consistent throughout our forums, discussions with community members, and other outreach efforts across the City: the people living in and around Beck’s Lake claim to have higher concentrations of cancer, heart disease, and other chronic illness. These claims have not been investigated.

The E.P.A. report mentions many dangerous substances identified on this site but focuses particularly on lead and arsenic. Here is what the consent decree says about lead:

The Agency for Toxic Substances and Disease Registry (ATSDR) states that exposure to lead can lead to negative health effects. The main exposure pathways for lead are through inhalation or ingestion. People can be exposed by swallowing or breathing lead into the body. The target system that lead affects in the body is the nervous system. Exposure to lead over long periods of time can lead to a small increase in blood pressure, anemia, and decreased neurological function. Exposure to high levels of lead can lead to brain and kidney damage and ultimately death. Pregnant women and children are populations of special concern for lead exposure. Lead exposure during pregnancy can cause miscarriage or developmental problems in the unborn fetus. No safe level of lead exposure has been found for children since they are more sensitive to lead than adults are. Health effects from lead exposure in children include anemia, kidney damage, colic, muscle weakness, and brain damage.

Children can also experience mental and physical development growth effects.⁵⁵²

An E.P.A. pamphlet on arsenic exposure links exposure to a range of health issues from “nausea and vomiting” to “decreased production of red and white blood cells, abnormal heart rhythm, damage to blood vessels” and cancer.⁵⁵³ In children, long-term exposure can result in “lower IQ scores” and “increased mortality in young adults.”

But these are only some of the chemicals found at the site in recent years. Again, no one ever determined what was on the site before the dump was closed and, at least according to local lore, turned into a hill. Some of the other chemicals mentioned in above acceptable levels include:

Benzo(a)pyrene (BaP): “This substance is very toxic, and it is a group I carcinogen.⁵⁵⁴ A group I carcinogen is known to cause cancer in humans.⁵⁵⁵

benzo(a)anthracene, , and dibenz(a,h)-anthracene is classified as a Group 2A carcinogen, “probably carcinogenic to humans” and benzo(b)fluoranthene which is Group 2B and only” possibly carcinogenic to human beings.”⁵⁵⁶

The E.P.A. concluded that “the nature of the known and suspected hazardous substances within the boundaries of the Site, and the potential exposure pathways described in Sections II and III above, actual or threatened releases of hazardous substances from the Site, if not addressed by implementing the response actions selected in this Action Memorandum, may present an imminent and substantial endangerment to public health, welfare, or the environment.”

It defies logic to suggest that when these same chemicals were regularly burning and filling the area with smoke, children were playing in the mud of this toxic heap, and dust from the unpaved streets was blowing around, people were not exposed and poisoned. Even if the site has been partially mitigated, nothing has been done to address the decades of unmitigated exposure. An investigation into the adverse health effects of these exposures cannot be delayed any longer. If such epidemiological study verifies the adverse health effects for people forced to move and live next to a toxic dump, reparations should be paid.

Recommendations:

Immediate Implementation:

(59) The City should embark on a comprehensive education program in the LaSalle Park regarding safe urban gardening practices, including distribution of the information provided by the EPA on the superfund site.

(60) The City should support efforts by the LaSalle Park Neighborhood Association to do comprehensive health study of the historical LaSalle Park residents and their families as well as increased testing of the area.

(61) The City should embark on an aggressive lead testing program for the children who have lived or are currently living in the Beck's Lake region.

(62) Accelerate cleanup of toxic sites like Beck's Lake and surrounding neighborhoods. Conduct long-term health impact studies and provide free health screenings for residents exposed to industrial pollutants.

ENDNOTES

¹ Northwest Ordinance of 1787, Indiana Historical Bureau, <https://www.in.gov/history/about-indiana-history-and-trivia/explore-indiana-history-by-topic/timelines/northwest-ordinance-of-1787/>.

² Paul Finkelman, *Almost a Free State: The Indiana Constitution of 1816 and the Problem of Slavery*, 111 *Indiana Magazine of History* 64, 64 (2015).

³ Finkelman, *supra* note 2 at 64-65. The 1810 census showed 237 slaves in a state where slavery was prohibited. *Id.* at 74. The 1830 census claimed there were only 3 slaves in the state. However, a census of the town of Vincennes that same year registered 32 slaves. *Id.* at 75. Clearly, the “slave free state” was not free for all. While we can assume that most of these slaves were Black, it is impossible to know their exact ethnic background for certain. Native people were the first American slaves and prior to 1840, when they were recorded in census documents at all, they were often labeled as “colored.” Census of American Indians, <https://www.census.gov/about/history/census-records-family-history/census-records/censuses-of-american-indians.html>; In 1838 most members of the Potawatomi nation were forcibly marched to Kansas in what is known as the Potawatomi trail of tears, severely decreasing the native population in the area.³ Those that remained did not announce their ethnicity. Trail of Death, CPN Cultural Heritage Center, <https://www.potawatomiheritage.com>; It is also theoretically possible, though even less likely, that some of these slaves were Mexican. The 1848 Treaty of Guadalupe Hidalgo banned the enslavement of Mexicans, or former Mexican citizens, but it only applied if you could prove you were pure White. (Treaty of Hidalgo Guadalupe, February 2, 1948). Some evidence exists that Hispanics faced difficulties proving they were White and, as a result, some were legally enslaved. (PAUL ORTIZ, AN AFRICAN AMERICAN AND LATINX HISTORY OF THE UNITED STATES, 68 (2018).) In addition, Hispanic immigration to South Bend in any significant numbers is very recent. (Latino Immigration in South Bend, Institute for Latino Studies, University of Notre Dame, https://latinostudies.nd.edu/assets/95336/original/student_brief_1.1_latino_immigrants.pdf).

⁴ History of South Bend, City of South Bend, <https://www.sjcindiana.gov/1638/City-of-South-Bend>.

⁵ Finkelman, *supra* note 2 at 66.

⁶ *Id.* at 66.

⁷ *Lewis v. Henley*, 2 Ind 332 (1850).

⁸ *Lewis v. Henley*, 2 Ind 332, 333 (1850).

⁹ John Taylor, *African-American Education in Indiana*, <https://www.in.gov/history/files/African-American-Education-in-Indiana.pdf>; GEORGE GARNER, PLACING HISTORY: AN AFRICAN-AMERICAN LANDMARK TOUR OF SOUTH BEND 91 (2025), available at https://aalt.iusb.edu/?_gl=1*xwv3bb*_gcl_au*OTA3Mjg1NjgzLjE3NjY5Njk1OTg.*_ga*MTA3NDUwNjgwMy4xNzYzNTA5OTQy*_ga_61CH0D2DQW*cze3NjY5Njk1OTckbzEkZzAkdDE3NjY5Njk1OTkkajU4JGwwJGgw.

¹⁰ Finkelman, *supra* note 2 at 65.

¹¹ Indiana Constitution 1851.

¹² Indiana Constitution 1851.

¹³ REVERAND BUFORD F. GORDON, THE NEGRO IN SOUTH BEND: A SOCIAL STUDY 22 (1922, reprinted in 2009).

¹⁴ *Id.* at 33.

¹⁵ Johnny Vann, *The Black Americans of the South Bend-Mishawka Area*, Ethnic Heritage Studies Program. Indiana University at South Bend (1975) at 9, <https://michianamemory.sjcp1.org/digital/collection/p16827coll4/id/1677/rec/3r>.

¹⁶ *Id.* at 8-9, Gordon, *supra* note 13 at 11-20.

¹⁷ *Id.* at 9

¹⁸ Gordon, *supra* note 13 at 22.

¹⁹ DEREK WEBB, DIVIDING LINES IN SOUTH BEND, INDIANA: RESIDENTIAL SEGREGATION AND OPEN HOUSING IN AN ALL-AMERICAN CITY, 6 Wolfson Press (forthcoming)

²⁰ *Id.* at 5.

²¹ Elizabeth Dales and Katherine Edsall, *A Brief History of South Bend, Indiana 1820-1969* 13, 14, History and Travel Department South Bend Public Library (1970).

²² Gordon, *supra* note 13 at 22; There was an African-American settlement south of South Bend established in 1834 which included approximately twenty-eight families. It is believed these families all eventually did move to South Bend. Webb, *supra* note 18 at 7.

²³ Initially, all the available census data was for the county and not South Bend in particular; Gordon, *supra* note 13 at 33.

²⁴ *A Review of the Economic and Cultural Problems of South Bend as they Relate to Minority People* (conducted for the South Bend Urban League and Hering House Community Center Inc. Warren M. Banner Assoc. Director (March 1958), Accessible at St. Joseph County Public Library, Local and Family History Services; Garner, *supra* note 9 at 93, 107.

²⁵ Taylor, *supra* note 9.

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- ²⁶ *Id.*
- ²⁷ Garner, *supra* note 9 at 92.
- ²⁸ *Id.* at 97.
- ²⁹ Kevin Tidmarsh, *The Forgotten Legacy of Buford Gordon*, BELT magazine, (March 3, 2016); <https://beltmag.com/the-forgotten-legacy-of-buford-gordon/>.
- ³⁰ Gordon, *supra* note 13 at 33.
- ³¹ United States Bureau of the Census, Thirteenth Census of the United States, 1910, Volume IV – Occupational Statistics, Washington, D.C., Government Printing Office, 1914, pp.456-459; available at <https://www.census.gov/library/publications/1914/dec/vol-4-occupations.html> Accessed December 17, 2025. See also *Being Black in Indiana*, INDIANA HISTORICAL SOCIETY, <https://www.in.gov/history/for-educators/download-issues-of-the-indiana-historian/indiana-emigrants-to-liberia/being-black-in-indiana/> Accessed December 17, 2025.
- ³² *Id.* at 32.
- ³³ Gordon, *supra* note 13 at 56
- ³⁴ *Id.*
- ³⁵ TIMOTHY EAGAN, *FEVER IN THE HEARTLAND: THE KU KLUX KLAN'S PLOT TO TAKE OVER AMERICA AND THE WOMAN WHO STOPPED THEM* 20-21 (2023).
- ³⁶ Judith Fox, *The American Dream: A Historic Perspective*, 61 Washburn L. J. 441, 462 (2022).
- ³⁷ *Work or Fight 1918*, NATIONAL ARCHIVES, <https://recordsrights.org/events/127/work-or-fight> Accessed December 17, 2025.
- ³⁸ *Mobilizing for War: The Selective Service Act in World War I*, NATIONAL ARCHIVES FOUNDATION, <https://archivesfoundation.org/documents/mobilizing-war-selective-service-act-world-war/> Accessed December 17, 2025.
- ³⁹ Drew Keeling, *August 1914 And The End Of Unrestricted Mass Migration*, <https://cepr.org/voxeu/columns/august-1914-and-end-unrestricted-mass-migration>. Accessed December 17, 2025.
- ⁴⁰ TODD TUCKER, *NOTRE DAME V. THE KLAN: HOW THE FIGHTING IRISH DEFIED THE KKK* 40 (2018).
- ⁴¹ Gordon, *supra* note 13 at 6.
- ⁴² LOCAL AFRICAN AMERICAN HISTORY, THE HISTORY MUSEUM, “African Americans in the Workplace,” <https://www.historymuseumsb.org/local-african-american-history/> Accessed December 12, 2025.
- ⁴³ Gordon, *supra* note 13 at 45-46.
- ⁴⁴ *The Civil Rights Act of 1964: A long Struggle for Freedom*, THE LIBRARY OF CONGRESS, <https://www.loc.gov/exhibits/civil-rights-act/segregation-era.html> Accessed December 17, 2025.
- ⁴⁵ GABRIELLE ROBINSON, *BETTER HOMES OF SOUTH BEND: AN AMERICAN STORY OF COURAGE* 14-15 (2015).
- ⁴⁶ *Id.* at 16.
- ⁴⁷ Photographs courtesy of Studebaker National Museum Archives.
- ⁴⁸ LISA SWEDARSKY, *A PLACE WITH PURPOSE: HERING HOUSE 1925-1963* (2009).
- ⁴⁹ *Id.* at 1.
- ⁵⁰ *Id.* At 18.
- ⁵¹ While the residents of these areas were predominately black, recent migrants, especially those from Eastern European countries, also resided there.
- ⁵² Webb, *supra* note 19 at 18.
- ⁵³ *Id.* at 18.
- ⁵⁴ *Id.* at 19.
- ⁵⁵ Elmer Wolf, *Some Salient Features of South Bend's Housing Problem that Demand Attention*, SOUTH BEND TRIB., April 9, 1916.
- ⁵⁶ Fox, *supra* note 36 at 463.
- ⁵⁷ *Id.* at 463.
- ⁵⁸ RICHARD ROTHSTEIN, *THE COLOR OF LAW: A FORGOTTEN HISTORY OF HOW OUR GOVERNMENT SEGREGATED AMERICA* 43 (2017).
- ⁵⁹ Fox, *supra* note 36 at 463.
- ⁶⁰ The plats were collected with the assistance of two student, J.D. Sniegocki and Veronica Bofard, as part of their fellowship at Notre Dame's Klau Institute for Civil and Human rights.
- ⁶¹ The covenants we uncovered were for a very specific period of time but research from other cities suggest there may be more. In addition, they do not include covenants an individual homeowner may have placed on their property before selling. We have been told anecdotally that covenants continued to appear on deeds in South Bend well past the time they were no longer enforceable but time prevented us from looking further.
- ⁶² Developments not located in the city were approved by the relevant municipality or the equivalent county officer.

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- ⁶³ Jefferson Park Addition, June 7, 1923, record P1923028. The covenant appears in cursive print to illustrate that these were almost all handwritten, making some very difficult to read.
- ⁶⁴ *Shelby v. Kraemer*, 68 S. Ct. 836, 842(1948).
- ⁶⁵ Fair Housing Act, 42 U.S. 3601 *et. seq.*
- ⁶⁶ Gordon, *supra* note 13 at 57; Webb, *supra* note 19 at 20.
- ⁶⁷ See JAMES H. MADISON, *THE KU KLUX KLAN IN THE HEARTLAND* Introduction 156-57 (2020).
- ⁶⁸ *Id.*
- ⁶⁹ Webb, *supra* note 19 at 30.
- ⁷⁰ Madison, *supra* note 67; chapter 1, paragraph 11.
- ⁷¹ Webb, *supra* note 19 at 23, 30.
- ⁷² Nicole Poletika, *How South Bend Attorneys Elizabeth and J. Chester Allen Lifted the “Heel of Oppression,”* INDIANA HISTORICAL BUREAU; <https://blog.history.in.gov/tag/indiana-history/page/4/> Accessed December 17, 2025.
- ⁷³ EMMA LOU THORNBROUGH, *SINCE EMANCIPATION: A SHORT HISTORY OF INDIANA NEGROES, 1863-1963* 40-41(1965).
- ⁷⁴ Poletika, *supra* note 72 at 15 (*referencing* J. Chester Allen’s “The Story of House Bill No. 445”, p.15).
- ⁷⁵ *Id.*
- ⁷⁶ *Letter, Marvin Heidt to J. Chester Allen, re: Indiana Female Labor Law*; February 4, 1941. MICHIANA MEMORIES, ST. JOSEPH COUNTY PUBLIC LIBRARY, <https://michianamemory.sjcp.org/digital/collection/p16827coll4/id/480/rec/13>, Accessed July 9, 2024.
- ⁷⁷ Robinson, *supra* note 45 at 43.
- ⁷⁸ Thornbrough, *supra* note 73 at 66.
- ⁷⁹ Lucille Sneed, interview with David Healey and Amy Selner, July 9, 2002, Oral History collection, CIVIL RIGHTS HERITAGE CENTER COLLECTIONS, IND. U. SOUTH BEND ARCHIVES, <https://archive.org/details/OH-Sneed-Lucille-2002-07-09>.
- ⁸⁰ *World War II opened doors for Black women*, THE HERALD-TIMES, March 20, 2005. <https://www.heraldtimesonline.com/story/news/2005/03/20/world-war-ii-opened-doors-for-black-wome/117996018/>. Accessed December 17, 2025.
- ⁸¹ *Id.*
- ⁸² Price Fishback, Jonathan Rose, Kenneth A Snowden, & Thomas Storrs, *New Evidence on Redlining by Federal Housing Programs in the 1930s*, 141 J. of Urban Economics 1, 3 (2024).
- ⁸³ Explanation, South Bend, Indiana, NATIONAL ARCHIVE records for the City of South Bend, Prepared by Division of Research and Statistics, Jul 24, 1937, p1.
- ⁸⁴ *Id.*
- ⁸⁵ *Id.*
- ⁸⁶ *Id.*
- ⁸⁷ *Id.*
- ⁸⁸ *Id.*
- ⁸⁹ *Id.*
- ⁹⁰ *Id.*
- ⁹¹ *Id.*
- ⁹² *Id.*
- ⁹³ *Id.*
- ⁹⁴ *Id.* at 2.
- ⁹⁵ Webb, *supra* note 19 at 148.
- ⁹⁶ *Id.* at 157.
- ⁹⁷ National Housing Act of 1934, H.R. 9620, Pub.L. 73-479, 48 Stat. 1246 (1934).
- ⁹⁸ Underwriting Manual: Underwriting and Valuation Procedure under Title II of the National Housing Act, FEDERAL HOUSING ADMIN., revisions to April 1, 1936.
- ⁹⁹ *Id.* at paragraph 283(4)(g).
- ¹⁰⁰ *Id.*
- ¹⁰¹ *Id.* at paragraph 323.
- ¹⁰² Fishback, *supra* note 82 at 4.
- ¹⁰³ See Fishback, *supra* note 82.
- ¹⁰⁴ *Id.* HOLC did share its maps with FHA. Recent scholarship suggests they did not have much influence over FHA behavior.
- ¹⁰⁵ *Id.* at 4-5.
- ¹⁰⁶ *Id.* at 92.

¹⁰⁷ Garner, *supra* note 9 at 92.

¹⁰⁸ *A Review of the Economic and Cultural Problems of South Bend as they Relate to Minority People*, 69 SOUTH BEND URBAN LEAGUE (1958).

¹⁰⁹ “We conclude that in the field of education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.” 347 U.S. 483, 495 (1954).

¹¹⁰ Taylor, *supra* note 20.

¹¹¹ *Id.*

¹¹² 163 U.S.537 (1896)

¹¹³ *Id at 544.*

¹¹⁴ 347 U.S. 483, 495 (1954) (“We conclude that in the field of education, the doctrine of ‘separate but equal’ has no place. Separate educational facilities are inherently unequal.”)

¹¹⁵ Taylor, *supra* note 20.

¹¹⁶ A Review, *supra* note 108 at 69.

¹¹⁷ Garner, *supra* note 9 at 99.

¹¹⁸ Others included Colfax, Swanson, and Eggleston. The majority Black primary schools were located in neighborhoods that had long established Black populations. *Id.*

¹¹⁹ *Id.* at 99.

¹²⁰ *Id.* at 99-100; Bernard Streets, Jr. Interview (April 26, 2010) Oral History Collection, Civil Rights Heritage Center, Indiana University Archives, <https://archive.org/details/OH-STREETS-BERNARD-2010-04-26>

¹²¹ Garner, *supra* note 9 at 100; Barbara Brandy Interview (April 2, 2002). Oral History Collection, Civil Rights Heritage Center, South Bend.

¹²² Garner, *supra* note 9 at 100

¹²³ *Id.* at 120.

¹²⁴ *Id.* at 102.

¹²⁵ *Id.*

¹²⁶ George McCullough, Oral History Collection, Civil Rights Heritage Center. Indiana University South Bend.

¹²⁷ *Id.*

¹²⁸ *South Bend’s Own Words*, Civil Rights Heritage Center. Indiana University South Bend, podcast audio

¹²⁹ *Id.*

¹³⁰ *Id.*

¹³¹ Lucille Sneed, interviews with David Healey and Amy Selner, July 9, 2002, Oral History collection, Civil Rights Heritage Center Collections, Indiana University South Bend Archives, <https://archive.org/details/OH-Sneed-Lucille-2002-07-09>

¹³² *South Bend’s Own Words*, *supra* note 128.

¹³³ *Id.*

¹³⁴ *Id.*

¹³⁵ Garner, *supra* note 9 at 108-109.

¹³⁶ *Id.* at 110, citing an article in the South Bend Tribune of June 2, 1966 “Peil Lists Linden School Proposals.”

¹³⁷ Garner, *supra* note 9 at 107.

¹³⁸ *Id.* at 110.

¹³⁹ *Id.* at 111.

¹⁴⁰ *Id.* at 116.

¹⁴¹ *U.S. v. South Bend Community School Corp.*, 511 F.Supp. 1352 (N.D. Ind. 1981).

¹⁴² *Id.*

¹⁴³ *U.S. v. South Bend Community School Corp.*, 511 F.Supp. 1352 at 1356 (N.D. Ind. 1981).

¹⁴⁴ *Id.*

¹⁴⁵ On file with commission.

¹⁴⁶ *U.S. v. South Bend Community School Corp.*, Memorandum and Order dated August 2002, Case 3:80-CV-00035, Factual Background 4.

¹⁴⁷ *Id.* at 15-16.

¹⁴⁸ *Id.*

¹⁴⁹ Statistical information compiled by SBCSC per the Consent Decree is on file with commission..

¹⁵⁰ Christian Sheckler, *Parents, residents fear schools plan could worsen segregation*, SOUTH BEND TRIB., November 16, 2017.

¹⁵¹ Stuart Green, *A Vision Statement on Racial Equity and Antiracist policies in SBCSC*, [https://go.boarddocs.com/in/sbcsc/Board.nsf/files/C5ZPYP65D611/\\$file/Equity%20Statement%20.pdf](https://go.boarddocs.com/in/sbcsc/Board.nsf/files/C5ZPYP65D611/$file/Equity%20Statement%20.pdf)

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- ¹⁵² *Id.*
- ¹⁵³ *SBCSC 2025 Annual Report on the Status of Consent Decree Implementation* filed November 24, 2025 in the U.S. District Court, N.D. Ind., Case 3:80-cv-00035.
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- ²⁹⁰ *Id.* at 215.
- ²⁹¹ Transcript of Public Hearing, *supra* note 276 at 3.
- ²⁹² *Id.*
- ²⁹³ *Id.* at 14
- ²⁹⁴ *Id.*
- ²⁹⁵ *Id.* Testimony of James Herring , 9-12 (The landlord for a home on Bader Ave was willing to rent to him but then withdrew the offer when her neighbors objected to having Negro neighbors; They were living in a hotel at the time of the hearing, unable to find a landlord willing to rent to them due to their race); Testimony of Bernard Streets p 13- (responded to ad for a house to rent and when told the family was black, the landlord told them she couldn’t rent to them because “her neighbors would tear her hair out. “ And then she hund up on them.) at 14; Testimony of William J. Brown, Brown 27-28 (lived at the YMCA for 7 months because no one would rent to him due to his race) ; Testimony of G.L. Ivory, p. 35 (estimated she called 75 landlords a week and 90% refused to rent to blacks.”)
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