

CONTINUING INJUSTICE: THE CENTENNIAL OF THE TULSA-GREENWOOD RACE MASSACRE

HEARING BEFORE THE SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS, AND CIVIL LIBERTIES OF THE COMMITTEE ON THE JUDICIARY U.S. HOUSE OF REPRESENTATIVES ONE HUNDRED SEVENTEENTH CONGRESS FIRST SESSION

WEDNESDAY, MAY 19, 2021

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CONTINUING INJUSTICE: THE CENTENNIAL OF THE TULSA-GREENWOOD RACE MASSACRE

Wednesday, May 19, 2021

U.S. HOUSE OF REPRESENTATIVES

SUBCOMMITTEE ON THE CONSTITUTION, CIVIL RIGHTS,
AND CIVIL LIBERTIES

COMMITTEE ON THE JUDICIARY

Washington, DC

The Committee met, pursuant to call, at 9:55 a.m., in Room 200, Capitol Visitor Center, Hon. Steve Cohen [Chair of the Subcommittee] presiding.

Members present: Representatives Nadler, Cohen, Raskin, Ross, Johnson of Georgia, Garcia, Bush, Jackson Lee, Jordan, Johnson of Louisiana, and Fischbach.

Staff present: David Greengrass, Senior Counsel; John Doty, Senior Advisor; Moh Sharma, Member Services and Outreach Advisor; Priyanka Mara, Professional Staff Member; Jordan Dashow, Professional Staff Member; Cierra Fontenot, Chief Clerk; John Williams, Parliamentarian; Keenan Keller, Senior Counsel; Merrick Nelson, Digital Director; Kayla Hamed, Deputy Press Secretary; James Park, Chief Counsel for Constitution; Will Emmons, Professional Staff Member; Betsy Ferguson, Minority Senior Counsel; Caroline Nabity, Minority Counsel; James Lesinski, Minority Counsel; Andrea Woodard, Minority Professional Staff Member; and Kiley Bidelman, Minority Clerk.

Mr. COHEN. [Presiding.] The Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights, and Civil Liberties will come to order.

Without objection, the Chair is authorized to declare a recess of the Subcommittee at anytime.

I welcome everyone to today's hearing on "Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre."

Before we continue, I want to remind Members that we have established an email address and distribution list dedicated to circulating exhibits, motions, et cetera, to Members who might want to offer them in today's hearing. If you would like to submit such, judiciarydocs@mailhouse.gov, and they will be distributed.

Finally, I would like to ask all Members and Witnesses, both those in person and those appearing remotely, to mute your microphones when you are not speaking. This will help prevent feedback and other technical issues.

For those in the room, I would like to ask you to keep your face masks on at all times, unless you are speaking or unless you are over 100 years old. For those in the room, that will be our protocol. I now recognize myself for an opening statement.

Mr. Van Ellis and Ms. Fletcher, welcome and thank you for coming. We appreciate it.

Our hearing today serves two primary purposes. First, it is a commemoration of a milestone anniversary, the centennial of the Tulsa-Greenwood Race Massacre of 1921, one of the most painful episodes in our nation's long and tortured history of race relations.

Sadly, many Americans today are not even aware that this massacre took place, and I hope that this hearing can serve to educate the public about what happened. I, myself, was not aware, but Chair John Conyers had a hearing early in my term in Congress, probably about 10–12 years ago, and edified me and many in Congress. John Conyers needs to be recognized today for his commitment to justice and to the memory of the race massacre and for improvements in Tulsa.

The second purpose of this hearing is to highlight many ways that the Black community of Tulsa continues to suffer from the effects of the massacre. Indeed, as the hearing's title suggests, the injuries inflicted on the Greenwood community have continued to compound through the succeeding decades since the massacre, often directly because of actions taken by government officials.

Over the course of May 31 and June 1 of 1921, a White mob burned to the ground the Greenwood community of Tulsa, one of the most prominent and thriving Black communities in the country at the time, often referred to as the "Black Wall Street." The White mob, consisting of thousands of people, murdered Black residents, looted their property, and burned more than 1,000 homes, churches, schools, and businesses. At least one credible estimate put the number of those killed at 300 people. Recently, the Attorney General, Merrick Garland, visited Tulsa, visited the memorial, and you could see the emotion in him as he toured it.

Worse still, that mob, fueled by racial fear and hatred, was aided and abetted by some of the very government officials who were supposed to be protecting the innocent residents and property owners of Greenwood. In other words, the massacre did not simply represent a negligent failure by government authorities to maintain order, but, rather, agents of the local and State governments were active participants in the crime. This happened too many places and too many times in our history, but never as significantly as it did in Tulsa.

In the massacre's immediate aftermath, local authorities placed thousands of Black residents into internment camps out of fear of what the authorities characterized as a so-called, quote, "Negro uprising." Indeed, this narrative of the massacre, a misrepresentation of what happened based on racial fear, was ratified by a grand jury empaneled by Oklahoma's Governor after the massacre. That grand jury issued a report less than a month after the massacre that placed the blame for the massacre entirely on the Black community. This grand jury also indicted Black persons with massacre-related offenses, while no White person was ever held accountable for crimes committed during the massacre.

This was 1921 America; 1921 Oklahoma; 1921, when the Ku Klux Klan was again reasserting itself and “The Birth of a Nation” had just been shown a little bit prior to that in the White House.

Meanwhile, the Tulsa massacre resulted in property damage estimated to be anywhere between \$25 and \$100 million in today’s dollars, representing a tremendous loss of wealth for Tulsa’s Black community—a loss that was compounded with each succeeding generation.

As the descendants of the White mob that looted Greenwood’s businesses and homes have had a chance to build on the wealth of their ancestors, including stolen wealth, many Black survivors and their descendants have not been able to recoup the wealth that the White mob destroyed or stole during the massacre.

In the massacre’s immediate aftermath, the city passed a restrictive local ordinance to block rebuilding efforts. While this ordinance was ultimately struck down by the Oklahoma Supreme Court, in the decades since, practices like redlining and urban Rule policies have prevented Black Tulsans from reestablishing a thriving community. Expressways funded by the Federal government literally cut through Greenwood, further displacing Black families and businesses—a grievance upon a grievance. Looking to the courts for relief, Greenwood’s residents were denied justice in the 1920s because of rank and racial prejudice, and in the 2000s because of a technical legal hurdle.

Meanwhile, the survivors and descendants of the massacre remain without compensation for the harms inflicted on them, and neither the State of Oklahoma nor the city of Tulsa have provided direct compensation to massacre survivors and their descendants. The massacre has exacerbated government actions that over the decades have disproportionately burdened Black Tulsans, preventing many from rebuilding their community and regaining stolen wealth.

Predictably, this has led to racial disparities and adverse outcomes for the Black residents of Tulsa. This is clear from the fact that north Tulsa, which has a higher concentration of Black residents, is poorer, has fewer businesses and large-scale employers, has the fewest jobs, has more than double the unemployment rate, and has the lowest life expectancy when compared to the rest of Tulsa.

In short, present-day racial and economic disparities in Tulsa can be traced back to the massacre. In America, Tulsa is a microcosm of what has happened to the African American community in this country.

In light of the foregoing facts, Congress needs to step up. Many of our Witnesses have called for some form of reparation for the survivors and descendants of the massacre. One potential remedy that I find of particular interest is the idea of a victim compensation fund. This Subcommittee has jurisdiction over such compensation funds. For example, last Congress, we held a hearing to permanently reauthorize the 9/11 Victim Compensation Fund, which one of our Witnesses suggested is a model for compensating potential Tulsa claimants. I would be interested in hearing from our Witnesses more details as to how such a fund would be structured and

funded. As Chair of the Subcommittee, I pledge to work with you on legislation on this front.

When the Subcommittee last held a hearing on this topic back in 2007, we heard from the late, distinguished historian, John Hope Franklin, author of "From Slavery to Freedom," a book I had as a classroom text at Vanderbilt. John Hope Franklin was here. He was also a survivor of the Tulsa massacre. He testified about the culture of silence surrounding the massacre among the White community of Tulsa in the years following the massacre, a culture to sought to erase the massacre from historical memory. He also emphasized the importance of confronting and dealing honestly with historical truth.

What John Hope Franklin, a historian of eminent success and acclamation, said then is true today: We must deal with historical truth. We must heed Professor Franklin's admonitions; keep the memory of the massacre alive; deal honestly with the truth and ensure reparations for the century of suffering that the survivors and descendants of the massacre have endured.

I look forward to hearing our Witnesses' testimony today, and I thank them for being with us today.

I now yield time to the Ranking Member, Mr. Johnson of Louisiana, for his opening statement.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chair.

Thank you all for being here.

First, I want to especially thank our Witnesses. I know it took some effort for you to be here, and we deeply appreciate it, particularly this panel, our first panel of two, because you are survivors of the Greenwood massacre.

I am going to briefly repeat the history of that again because, as you say, Mr. Chair, not enough Americans remember this sad chapter. In 1921, Greenwood was a thriving commercial and residential district in Tulsa, Oklahoma. It was home to the city's African American residents, as was said, and Greenwood hosted restaurants and churches, and grocery stores, and entertainment venues, clothing and jewelry stores, the offices of professionals, like doctors and lawyers. It led some to refer to it as the "Black Wall Street."

Unfortunately, the story of Greenwood is not just one of success, but the other side of that coin is it is a terrible, tragic story of violence and destruction. Between May 31 and June 1 of 1921, as many as 100–300 people were estimated to have been killed in the Tulsa-Greenwood Race Massacre. Approximately 35 blocks of Greenwood, amounting to more than 1,200 homes and dozens of businesses, were burned, and as many as an additional 400 homes were looted, but left standing.

This violence was perpetrated by a mob of the city's White residents, and it took place during an era when racial violence was all too common. It is one of our nation's darkest chapters, indeed.

As I have said many times before, in America we recognize that each of us is made in God's image and that every single person has inestimable dignity and value. Our value is not related in any way to the color of our skin, where we are from, what we do for a living, what zipcode we live in. All of us are created equally before God.

Racism and racial violence violate the most fundamental principles of our great Nation and the will of our Creator.

While our country has its faults, we have, obviously, come a long way since the Tulsa-Greenwood Race Massacre, and we believe our best days are still ahead of us. While it is important, obviously, that we recognize these terrible events that occurred 100 years ago, we also, at the same time, need to acknowledge that, thankfully, this event is not indicative of the broader reality that is present in our country today. Thank God for that.

We must continue to move our country forward; to remain cognizant of the past, because we learn from our history; work to create a unified America that honors the value of every single citizen, regardless of their race, and provides a path of opportunity for those who work hard and seek it. America is a great country, and we are still on our way, as the Constitution's Preamble says, to forming a more perfect union.

In 1862, President Lincoln famously said, "In giving freedom to the slave, we assure freedom to the free—honorable alike in what we give, and what we preserve. We shall nobly save, or meanly lose, the last best hope of earth."

More than a century later, in his "Time for Choosing" speech, Ronald Reagan echoed that sentiment, and he said it this way, quote: "You and I have a rendezvous with destiny. We have a responsibility to preserve for our children this, the last best hope of man on earth." unquote.

That remains our great challenge still today. We are working through that. The testimony that you provide helps us because it gives us context and history, and things we have to consider, as we try to preserve this last best hope of man on the earth. I pray, and all of us do, that we remain faithful in that challenge.

I, again, thank our Witnesses for being with us this morning. We really do look forward to your testimony. I will tell you, we don't have many centenarians testify before our Committees. So, I would suggest that we may be making history here today. We are really grateful you are here.

I yield back, Mr. Chair. Thank you so much.

Mr. COHEN. Thank you, Mr. Johnson.

I appreciate Mr. Johnson's comments.

I now recognize the Chair of the Full Committee, who is, of course, responsible for the actions of this Subcommittee as well, Mr. Nadler of New York.

Chair NADLER. Thank you, Mr. Chair.

Today's hearing is an important opportunity to commemorate the Tulsa-Greenwood Race Massacre of 1921 and to consider what legal and policy measures might be enacted to compensate the survivors, their descendants, and Tulsa's greater Black community.

Nearly 100 years ago, in what the late historian John Hope Franklin described as "a firestorm of hatred and violence that is perhaps unequaled in the peacetime history of the United States," a White mob looted and destroyed nearly 40 square blocks of Tulsa's Greenwood district, a segregated, yet vibrant, Black enclave whose prosperous businesses made it known across the country as the "Black Wall Street." The reportedly 5,000–10,000-strong mob destroyed many of those businesses, along with the district's hos-

pitals, churches, and private homes, leaving almost 9,000 Greenwood residents homeless.

According to a 2001 report by an Oklahoma State commission to study the massacre, one credible contemporary source estimated the death toll at 300 people, far higher than the official record made at the time. The 2001 commission also found credible contemporary reports of mass burials. In 2018, the city of Tulsa began the process of locating these mass graves. It is only within the past year that State archeologists pinpointed the location of one potential mass gravesite. Authorities are now taking steps to exhume the bodies for identification and reburial.

I have said so before, and I will say it again: The Tulsa-Greenwood Massacre can be described as an Act of ethnic cleansing, which was subsequently wiped from the history books for many decades, despite having made national news at the time.

We are honored to have with us today some of the last remaining survivors of the massacre, and I welcome them. I appreciate the fact that this Subcommittee can play a role in ensuring that this history is never lost again by hearing directly from those who experienced the tragic injustice that unfolded in Tulsa during the overnight hours of May 31 and June 1, 1921.

In addition to commemorating the massacre's victims, this hearing is also another opportunity to consider the massacre's long-lasting repercussions for the survivors, their descendants, and Tulsa's greater Black community, and what role Congress can play in remedying this historic injustice.

The 2001 commission report found significant evidence demonstrating not only that local and State authorities failed their responsibility to maintain civic order, but also that government agents actually aided the mob in carrying out the massacre. Thousands of Black residents were interned for days and weeks after the massacre, under the justification that it was for their so-called protection.

A majority of the 2001 commission Members declared at that time that, quote, "reparations to the historic Greenwood community in real and tangible form would be good public policy and do much to repair the emotional and physical scars of this terrible incident in our shared past." It is now 20 years later, and neither the State nor the city of Tulsa has directly compensated survivors or their descendants.

Survivors and their descendants have tried to seek legal redress from the city of Tulsa and the State of Oklahoma for massacre-related harms. Unfortunately, these claims have never been decided on the merits. In 2004, a divided 10th Circuit upheld the lower court's decision dismissing Greenwood survivors' claims, holding that the plaintiffs' claims were barred by the applicable statute of limitations, and that no equitable tolling to the statute of limitations period applied.

In 2007, when I was Chair of this Subcommittee, we held a hearing on legislation authored by the late former Chair of the Full Committee, John Conyers, that would have created a new Federal cause of action for Tulsa-Greenwood Massacre claimants that would permit their case to be decided on the merits. Similar legislation that helps address relevant statutes of limitation issues that

have bedeviled these claims in the past certainly remains one potential avenue for survivors and their descendants to obtain compensation. The Subcommittee should also examine other proposals for reparations with particular consideration given to the massacre's contribution to the racial and economic disparities that exist in Tulsa today.

I want to commend Chair Cohen for holding today's hearing. I also thank Congressman Hank Johnson for his leadership on the commemoration efforts, spearheaded by the Congressional Black Caucus, and Congresswoman Sheila Jackson Lee for her efforts to secure a House vote on a resolution recognizing the centenary of the massacre.

I look forward to hearing from all of today's Witnesses, and with that, I yield back.

Mr. COHEN. Thank you, Mr. Nadler. I, too, appreciate the work of Congresspeople Johnson and Sheila Jackson Lee for their work on this effort as well.

I now recognize the Ranking Member of the Full Committee, the gentleman from Ohio, Mr. Jordan, for his opening statement.

Mr. JORDAN. Thank you, Mr. Chair.

Today's hearing, as the previous speakers have indicated, commemorates the 100th anniversary of the massacre that occurred in Tulsa, Oklahoma's Greenwood district in 1921. We are honored to have survivors with us here today; in particular, Mr. Van Ellis and Ms. Fletcher. Thank you all for sharing your experiences with us.

What happened in Tulsa in 1921 was as wrong as wrong can be. Today's hearing is important. It allows us to acknowledge the atrocity that took place in Tulsa in 1921 and learn from that tragedy.

This hearing also allows us to reflect on our progress as a Nation since the Tulsa massacre. America, while not perfect, is an exceptional country. America is the best country in the history of the world. We are always growing, always learning, and always striving toward a more perfect Union.

In this hearing, where we can take stock of what happened in our past and learn from it, shows just how exceptional America really is. In recent years, we have seen the lowest unemployment rate for African Americans in history, historic criminal justice reform, and expanded educational opportunities. As we reflect on the past, we must discuss how we can empower the community affected by this tragic event with improved employment and educational opportunities.

I look forward to all the testimony today, but particularly from the survivors of this tragedy from 100 years ago. Thank you again for all being here today.

Mr. Chair, I yield back.

Mr. COHEN. Thank you, Mr. Jordan.

We welcome our Witnesses and thank them for participating in today's hearing.

I will now remove my mask and I will introduce each of the Witnesses. After each introduction, we will recognize the Witnesses for his or her oral testimony.

Each of your written statements will be entered into the record. We ask you to testify within 5 minutes, but we will understand. To

help you stay within that time, there are lights on your table that switch to green, to yellow, to indicate you have a minute remaining. When it turns to red, it means your time, 5 minutes, has expired, but we will be liberal in the first panel.

For our Witnesses testifying remotely, there is a timer in the Zoom view that should be visible at the bottom of your screen.

I would like to remind all our Witnesses appearing on both panels that you have a legal obligation to provide truthful testimony, and that if you should not, you are subject to prosecution under the United States Code.

Today, we have two Witness panels. On the first panel will be a very special group of Witnesses: The three known remaining survivors of the Tulsa-Greenwood Race Massacre. We are deeply honored that they have agreed to testify before us and eagerly anticipate hearing their firsthand accounts of those horrific days.

We also note, for those Witnesses who traveled to Washington, about your difficulties with your flight and delayed luggage. So, we are even more grateful to have you here with us today.

There has been agreement the Subcommittee will forego questions of the first panel, and we will simply, unlike most Congress-people, just listen and learn.

Our first Witness is Ms. Viola Fletcher, also known, if I can, as "Mother Fletcher." Thank you. I don't have a mother, so thank you.

Mother Fletcher is the oldest living survivor of the Tulsa Race Massacre. She was 7 years old when she lived through the massacre.

Mother Fletcher, you are now recognized to testify.

STATEMENT OF VIOLA FLETCHER

Ms. FLETCHER. My name is Viola Ford Fletcher. I am the daughter of Lucinda Ellis and John Wesley Ford of Tulsa, Oklahoma. I am the sister of Hughes Van Ellis, who is also here today. I am a survivor of the Tulsa Race Massacre.

Two weeks ago, I celebrated my 107th birthday.

[Applause.]

Today, I am visiting Washington, DC, for the first time in my life. I am here seeking justice and I am asking my country to acknowledge what happened in Tulsa in 1921.

On May 31st in 1921, I went to bed at my family's home in Greenwood neighborhood of Tulsa. The neighborhood I fell asleep in that night was rich—not just in terms of wealth, but in culture, community, heritage, and my family had a beautiful home. We had great neighbors and I had friends to play with. I felt safe. I had everything a child could need. I had a bright future ahead of me. Still, Greenwood should have given me the chance to truly make it in this country.

Within a few hours, all that was gone. The night of the massacre, I was awakened by my family. My parents and five siblings were there. I was told we had to leave, and that was it.

I will never forget the violence of the White mob when we left our home. I still see Black men being shot and Black bodies lying in the street. I still smell smoke and see fire. I still see Black businesses being burned. I still hear airplanes flying overhead. I hear the screams. I have lived through the massacre every day.

Our country may forget this history, but I cannot. I will not. Other survivors do not. Our descendants do not.

When my family was forced to leave Tulsa, I lost my chance at an education. I never finished school past the fourth grade. I have never made much money. My country, State, and city took a lot from me. Despite this, I spent time supporting the war effort in the shipyards of California. Most of my life, I was a domestic worker serving White families. I never made much money. To this day, I can barely afford my everyday needs. All the while, the city of Tulsa has unjustly used the names and stories of victims like me to enrich itself and its White allies through the \$30 million raised by the Tulsa Centennial Commission, while I continue to live in poverty.

I am 107 years old and have never seen justice. I pray that one day I will. I have been blessed with a long life and have seen the best and the worst of this country. I think about the terror/horrors inflicted upon Black people in this country every day.

This Subcommittee has the power to lead us down a better path. I am asking that my country acknowledge what has happened to me—the trauma and the pain, the loss. I ask that survivors and descendants to be given a chance to seek justice; open the courtroom doors.

All of you know how easy it is to deny that a violent mob hurt your lives and took your property. For 70 years, the city of Tulsa and its Chamber of Commerce told us that the massacre didn't happen, like we didn't see it with our own eyes. You have me here right now. You see Mother Randall; you see my brother, Hughes Van Ellis. We live this history, and we can't ignore it. It lives with us.

We lost everything that day—our homes, churches, newspapers, theaters, and lives. Greenwood represented all the best of what was possible for Black people in America and for all the people. No one cared about us for almost 100 years. We and our history have been forgotten and washed away. This Congress must recognize us, and our history—for Black Americans, for the White Americans, and for all Americans. That is some justice.

Thank you.

[The statement of Ms. Fletcher follows:]

**Viola (“Mother”) Fletcher
Tulsa Race Massacre Survivor**

**Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre
May 19, 2021**

**Written Testimony of Mother Viola Fletcher
United States House of Representatives
Subcommittee on the Constitution, Civil Rights, and Civil Liberties
Wednesday May 19, 2021**

My name is Viola Fletcher, or Mother Fletcher. I am the daughter of Lucinda Ellis and John Wesley Ford of Tulsa, Oklahoma. I am the sister of Hughes Van Ellis, who is also here today. And I am a survivor of the Tulsa Race Massacre. Two weeks ago, I celebrated my 107th birthday.

Today, I am in Washington, D.C. for the first time in my life. I am here seeking justice. I am here asking my country to acknowledge what happened in Tulsa in 1921.

On May 31st, 1921, I went to bed in my family's home in the Greenwood neighborhood of Tulsa. The neighborhood I feel asleep in that night was rich – not just in terms of wealth, but in culture, community, and heritage. My family had a beautiful home. We had great neighbors and I had friends to play with. I felt safe. I had everything a child could need. I had a bright future ahead of me. Greenwood could have given me the chance to truly make it in this country.

Within a few hours, all of that was gone. The night of the Massacre I was woken up by my family. My parents and five siblings were there. I was told we had to leave. And that was it.

I will never forget the violence of the white mob when we left our house. I still see Black men being shot, and Black bodies lying in the street. I still smell smoke and see fire. I still see Black businesses being burned. I still hear airplanes flying overhead. I hear the screams. I live through the Massacre every day.

Our country may forget this history. I cannot. I will not. The other survivors do not. And our descendants do not.

When my family was forced to leave Tulsa, I lost my chance at an education. I never finished school past the fourth grade. I have never made much money. My country, state, and city took a lot from me. Despite this, I spent time supporting the war effort in the shipyards of California. But for most of my life, I was a domestic worker serving white families. I never made much money. To this day, I can barely afford my everyday needs. All the while the City of Tulsa have unjustly used the names and stories of victims like me to enrich itself and its White allies through the \$30 million raised by the Tulsa Centennial Commission while I continue to live in poverty.

I am 107 years old and have never seen justice. I pray that one day I will. I have been blessed with a long life – and have seen the best and worst of this country. I think about the horrors inflicted upon Black people in this country every day.

This Subcommittee has the power to lead us down a better path. I am asking that my country acknowledge what has happened to me. The trauma. The pain. The loss. And I ask that survivors and descendants be given a chance to seek justice. Open the courtroom doors to us.

I believe we must acknowledge America's sins. It is the least we can do.

I saw what happened here on January 6th this year. It broke my heart. It reminded me of what happened 100 years ago. And now, I hear some of you on TV saying it didn't happen, like we didn't see it with our own eyes. It happened on live TV. 100 years ago, there was no TV, but you have me here right now. You see Mother Randle. You see my brother, Hughes Van Ellis. We lived this history. We can't ignore it. It lives with us.

We lost everything that day. Our homes. Our churches. Our newspapers. Our theaters. Our lives. Greenwood represented the best of what was possible for Black people in America – and for all people. No one cared about us for almost 100 years. We, and our history, have been forgotten, washed away. This Congress must recognize us, and our history. For Black Americans. For white Americans. For all Americans. That's some justice.

Thank you.

Mr. COHEN. Thank you very much. We appreciate very much your testimony.

[Applause.]

Mother Fletcher, if we don't learn from history, we are doomed to repeat it. So, thank you for putting us on the right course to learn and to understand, and to do better.

Ms. FLETCHER. Thank you.

Mr. COHEN. Are you the older of the two siblings?

Ms. FLETCHER. The older?

Mr. COHEN. Are you older than your brother here?

Ms. FLETCHER. Yes.

Mr. COHEN. You are?

Ms. FLETCHER. Yes.

Mr. COHEN. Well, he is used to having a tough Act to follow.

[Laughter.]

Our next Witness is Mr. Hughes Van Ellis, known as "Uncle Red."

Ms. FLETCHER. Yes.

Mr. COHEN. He is a World War II veteran, having served in the United States Army in the China-Burma-India Theater of Operations as a member of an all-Black unit. He is also a survivor of the Tulsa Race Massacre.

Uncle Red, you are on.

STATEMENT OF HUGHES VAN ELLIS

Mr. VAN ELLIS. Chair Cohen, Ranking Member Johnson, and Members of the Subcommittee, my names is Hughes Van Ellis, and I am 100 years old. I am a survivor of the Tulsa Race Massacre.

Because of the massacre, my family was driven out of our home. We were left with nothing. We were made refugees in our own country.

My childhood was hard, and we didn't have much. We worried what little we had would be stolen from us, just like it was stolen in Tulsa. You may have been taught that when something is stolen from you, you can go to the courts to be made whole; you can go to the courts to get justice. This wasn't the case for us. The courts in Oklahoma wouldn't hear us. The Federal courts said we were too late.

We were made to feel that our struggles were unworthy of justice; that we were less valued than Whites; that we weren't fully Americans. We were shown that in the United States not all men were equal under the law. We were shown that, when Black voices called out for justice, no one cared.

We still had faith things would get better. We still believed in the promise of America and in the cause of freedom.

I did my duty in World War II. I served in combat in the Far East with the 234th AAA Gun Battalion. We were an all-Black battalion. I fought for freedom abroad, even though it was ripped away from me at home, even after my home and my community were destroyed. It is because I believed, in the end, America would get it right.

When I returned home from the war, I didn't find any of this freedom I was fighting for overseas. Unlike White servicemen, I wasn't entitled to GI bill benefits because of the color of my skin.

I came home to segregation, a separate and unequal America. Still, I believed in America.

This is why we are still speaking up today, even at this age of 100. The Tulsa Race Massacre isn't a footnote in the history book for us. We live with it every day, and the thought of what Greenwood was and what it could have been. We aren't just Black and White pictures on a screen; we are flesh and blood. I was there when it happened; I am still here.

Mr. COHEN. That is right, you are here. That is right.

Mr. VAN ELLIS. My sister was there when it happened; she is still here.

We are not asking for a handout. All we are asking for is for a chance to be treated like a first-class citizen who truly is a beneficiary of the promise that this is a land where there is a "liberty and justice for all."

We are asking for justice for a lifetime of ongoing harm that was caused by the massacre. You can give us the chance to be heard and give us a chance to be made whole after all these years and after all our struggle.

I still believe in America. I still believe in the ideals that I fought overseas to defend. I believe, if given this chance, you will do the right thing and justice will be served. Please do not let me leave this earth without justice, like all the other massacre survivors.

Thank you so much.

[The statement of Mr. Van Ellis follows:]

Hughes Van Ellis
Tulsa Race Massacre Survivor

Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre
May 19, 2021

**Hughes Van Ellis Written Testimony for the House Subcommittee on the Constitution,
Civil Rights and Civil Liberties, May 19, 2021:**

My name is Hughes Van Ellis. I am 100 years old. And I am a survivor of the Tulsa Race Massacre. Because of the Massacre, my family was driven from our home. We were left with nothing. We were made refugees in our own country.

My childhood was hard and we didn't have much. We worried what little we had would be stolen from us. Just like it was stolen in Tulsa. You may have been taught that when something is stolen from you, you can go to the courts to be made whole. You can go to the courts to get justice. This wasn't the case for us. The courts in Oklahoma wouldn't hear us. The federal courts said we were too late.

We were made to feel that our struggles were unworthy of justice. That we were less valued than whites, that we weren't fully American. We were shown that in the United States, not all men were equal under law. We were shown that when Black voices called out for justice, no one cared.

But we still had faith things would get better. We still believed in the promise of America and in the cause of freedom.

I did my duty in World War II. I served in combat in the Far East with the 234th AAA Gun Battalion. We were an all-black battalion. I fought for freedom abroad, even though it was ripped away from me at home, even after my home and my community were destroyed. I did it because I believed, in the end, America would get it right.

When I returned home from the war, I didn't find any of the freedom I was fighting for overseas. Unlike white servicemen, I wasn't entitled to GI Bill benefits because of the color of my skin. I came home to segregation. A separate and unequal America. But still I believed in America.

This is why we are still speaking up today, even at the age of 100. The Tulsa Race Massacre isn't a footnote in a history book for us. We live with it every day and the thought of what Greenwood was and what it could have been. We aren't just black and white pictures on a screen, we are flesh and blood. I was there when it happened, I'm still here. My sister was there when it happened, she's still here.

We're not asking for a handout. All we are asking for is for a chance to be treated like a first-class citizen who truly is a beneficiary of the promise that this is a land where there is "liberty and justice for all."

We are asking for justice for a lifetime of ongoing harm. Harm that was caused by the Massacre. You can give us the chance to be heard and give us a chance to be made whole after all these years and after all our struggle.

I still believe in America. I still believe in the ideals that I fought overseas to defend. And I believe if given the chance you will do the right thing and justice will be served. Thank you.

Mr. COHEN. Thank you, sir.

[Applause.]

Mr. VAN ELLIS. I want to say I appreciate being here, and I hope we all will work together. We are one. We are one.

[Applause.]

Mr. COHEN. Thank you, Mr. Van Ellis, aka “Uncle Red.”

The last Witness on our panel is coming to us through Zoom, or a reasonable facsimile of such, Ms. Lessie Benningfield Randle.

Mother Randle was 6 years old when she lived through the Tulsa Race Massacre. Mother Randle will be joining us virtually.

Mother Randle, you are recognized now.

STATEMENT OF LESSIE BENNINGFIELD RANDLE

Ms. RANDLE. Good morning, Chair Cohen, Ranking Member Johnson, and Members of the Subcommittee.

Mr. COHEN. Good morning.

Ms. RANDLE. I am blessed and honored to be here speaking with you today. It means a lot to me to finally be able to look at you all in the eye and ask you to do the right thing. I have waited so long for justice.

My name is Leslie Evelyn Benningfield Randle. People call me “Mother Randle.” Today, I am 106 years old. A hundred years ago, in 1921, I was a 6-year-old child. I was blessed to live with my grandmother in a beautiful Black community in Tulsa, Oklahoma, called Greenwood. I was lucky. I had a home and I had toys. I didn’t have any fears as a young child, and I felt very safe. My community was beautiful. It was filled with happy and successful Black people.

Then, everything changed. It was like a war. White men with guns came and destroyed my community. We couldn’t understand why. What did we do them? We didn’t understand. We were just living, but they came, and they destroyed everything.

They burned houses and businesses. They just took what they wanted out of the buildings. Then, they burned the buildings. They murdered people. We were told they just dumped the dead bodies into the river. I remember running outside of our house. I ran past dead bodies. It wasn’t a pretty sight. I still see it today in my mind—100 years later.

I was so scared—I didn’t think we could make it out alive. I remember people were running everywhere. We waited for the soldiers to come, and when they finally came, they took us to the fairgrounds, where we would be safe. It felt like so long before they came.

I survived the 1921 Tulsa Race Massacre. I have survived 100 years of painful memories and losses. By the grace of God, I am still here. I have survived. I have survived to tell this story. I believe that I am still here to share it with you. Hopefully, now you all will listen to us while we are still here.

The White people who did this to us were filled with so much hate. It is disgusting that they hate us for no reason except that we are Black people.

We know most of the people who committed these acts are dead now. The three of us here today are the only ones left—that we know of. Just because these men are probably dead, the city and

county of Tulsa, the State of Oklahoma, and the Tulsa Chamber are still responsible for making it right, because it was they who caused the massacre. The Chamber helped ensure that we could not rebuild after the massacre, including holding us in internment camps.

They owe us something. They owe me something. I have lived much of my life poor. My opportunities were taken from me. My community, north Tulsa—Black Tulsa—is still messed up today. They didn't rebuild it. They sure didn't. It is empty. It is a ghetto.

They have raised more than \$30 million and have refused to share any with me or with the other two survivors. They have used my name to further their fundraising goals without my permission, my message, and never obtained my support of their upcoming events focused on making Tulsa look good, and not justice,

You can help us get some justice. America is still full of examples where people in positions of power, many just like you, have told us to wait. Others have told us it is too late. It seems like justice in America is always so slow or not possible for Black people. We are made to feel crazy just for asking for things to be made right. There are always so many excuses for why justice is so slow or never happens at all.

I am here today, 106 years old, looking at you all in the eye. We have waited 100 years, no, we have waited too long, and I am tired. We are tired. Lastly, I am asking you today to give us some peace. Please give me, my family, and my community some justice.

Thank you.

[The statement of Ms. Randle follows:]

**Lessie Evelyn Benningfield (“Mother”) Randle
Tulsa Race Massacre Survivor**

**Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre
May 19, 2021**

Mother Randle's Written Testimony for the House Subcommittee on the Constitution, Civil Rights and Civil Liberties, May 19, 2021:

I am blessed and honored to be talking with you today. It means a lot to me to finally be able to look at you all in the eye and ask you to do the right thing. I have waited so long for justice.

My name is Lessie Evelyn Benningfield Randle. People call me Mother Randle. Today, I am 106-years-old. 100 years ago, in 1921, I was a 6-year-old child. I was blessed to live with my grandmother in a beautiful Black community in Tulsa Oklahoma, called Greenwood. I was lucky. I had a home. I had toys. I didn't have any fears as a young child and I felt very safe. My community was beautiful and was filled with happy and successful Black people. Then everything changed.

It was like a war. White men with guns came and destroyed my community. We couldn't understand why. What did we do to them? We didn't understand. We were just living. But they came, and they destroyed everything.

They burned houses and businesses. They just took what they wanted out of the buildings then they burned them. They murdered people. We were told they just dumped the dead bodies into the river. I remember running outside of our house. I ran past dead bodies. It wasn't a pretty sight. I still see it today in my mind – 100 years later.

I was so scared – I didn't think we would make it out alive. I remember people were running everywhere. We waited for the soldiers to come, and when they finally came, they took us to the fairgrounds where we would be safe. It felt like so long before they came.

I survived the 1921 Tulsa Race Massacre. And I have survived 100 years of painful memories and losses.

By the grace of God, I am still here. I have survived. I have survived to tell this story. I believe that I am still here to share it with you. Hopefully *now*, you all will listen to us. While we are still here.

The white people who did this to us, were filled with so much hate. It is disgusting that they hate us for no reason except that we are Black people.

We know – most of the people who committed these acts are dead now. The three of us here today, are the only ones left – that we know of. But just because these men are probably dead, the City and County of Tulsa, the State of Oklahoma, and the Tulsa Chamber are still responsible for making it right.

The City and County caused this to happen to us –

The State allowed this happen to us—they didn't protect us.

The Chamber helped ensure that we could not rebuild after the Massacre, including holding us in internment camps.

They owe us something. They owe me something. I have lived much of my life poor. My opportunities were taken from me. And my community, North Tulsa – *Black Tulsa* – is still messed up today. They didn't rebuild it. Its empty. It's a ghetto. You can help us get some justice.

America is full of examples where people in positions of power, many just like you, have told us to wait. Others have told us it's too late. It seems like justice in America is always so slow or not possible for Blacks. And we are made to feel crazy just for asking for things to be made right. There are always so many excuses for why justice is so slow or never happens at all.

I am here today, at 106-years-old, *looking at you all in the eye*. We've waited too long, and I am tired. We are tired. I am asking you today to give us some peace. Please give me, my family, and my community some justice.

Thank you.

[Applause.]

Mr. COHEN. Thank you, Mother Randle. Thank you, Mother Fletcher and Uncle Red. Your efforts to be here are appreciated. Your testimony is greatly appreciated.

As I was affected in 2007 by the testimony of John Hope Franklin, I know my colleagues on the panel and those who are watching will be affected by your testimony.

Thank you so much and thank you for your strength and perseverance in telling these stories for the record and for future generations.

We will now take a brief recess for you to be able to leave the Committee room with our thanks and our appreciation. Then, we will go to our second panel.

Thank you so much.

[Applause.]

[Recess.]

Mr. COHEN. I think we are ready.

Mr. Johnson had to take some personal business. He will be back shortly.

Our first Witness on the second panel is the Honorable Regina Goodwin.

Where is Ms. Goodwin? Oh, she is virtual. Okay, that is it.

She is a member of the Oklahoma House of Representatives and a descendant of the Tulsa-Greenwood Massacre. Representative Goodwin is a Tulsa native and currently serves as Chair of the Oklahoma Legislative Black Caucus and is assistant minority floor leader. Representative Goodwin received a Bachelor of Fine Arts degree from the University of Kansas and completed Master's coursework at Columbia College in Chicago, Illinois.

I understand that the Oklahoma House is in session today and that Representative Goodwin might have to briefly stop, step out during points in this hearing to cast votes on the house floor.

Thank you for being here, and you are recognized.

STATEMENTS OF HON. REGINA GOODWIN

Ms. GOODWIN. Thank you so much.

First, I would just like to say it is a privilege to be able to hear from Ms. Lessie Benningfield Randle at 106; Ms. Viola Fletcher at 107; Mr. Hughes Van Ellis at 100 years old. I have the pleasure of knowing these folks and knowing that they, indeed, are deserving of justice.

I will say, before I start my statement, that I think really for right-hearted, like-minded folks, we have heard enough. It is beyond question that a massacre occurred in 1921. It is beyond question that death happened, and murder happened, and bombs from airplanes fell on Tulsa. What holds us up for a century are those that would want us to just say, "God bless America"; those that would want us to say that America is the greatest country that we could ever think of. What we fail to understand is that, as we are all American, we are not all treated as the best Americans should be. I think that we have had a marvelous example of those that have given their lives, that have served this country, and even today, they say, "Perhaps God allowed them to live this long just

so they could see this day”—to make it for the first time to Washington, DC.

We hope that the welcome is real, and beyond just understanding what happened, we get it. We have been saying it for a long time. Beyond saying it and beyond hearing it, where are the doers of God's work? So, we are just saying that beyond the “Yeah, we feel sorry for you. You're nice senior citizens. Thank you for stopping by”—they stopped by for justice. I am just hoping that right hearts and minds will prevail. So, that the John Hope Franklin that has passed on, who we had the privilege of knowing—he died seeking justice.

My great-great-grandfather, James Henry Goodwin, he was in Tulsa. My great-grandmother, Carla Marie Goodwin, she was in Tulsa. My grandfather, Edward Goodwin, and my aunt, Anna Goodwin, all Tulsans, all survivors of the 1921 Race Massacre. They went to the courthouse, the District courthouse, in 1921. They were not too late. The statute of limitations had not expired. They went saying that we had property, some 14 properties. We had a building at 123 North Greenwood.

My great-grandmother talked of her silverware and her linen, and she talked about her feather mattresses, and she talked about the piano, destroyed. She talked about the books in the library gone. She had the courage, when murderers were still walking the streets of Greenwood, when arsonists who thought that they should light curtains on fire and destroy 35 square blocks—she had the courage in the midst of all that chaos and all that mayhem, to say, “You took from me what was mine. We worked hard for what we had.”

We had a tight-knit Black community because segregation would not allow us to interact with our other human beings who just happened to be another color, and we made a great community.

When she went to the courthouse, she was rejected outright. So, you can't say the statute of limitations ran out. What you can say had run out, and what we did not have in supply, was justice.

Then, I also think about my grandfather, who was in high school at the time, and he was a senior, just like anybody else who is privileged to get that far in school and to graduate. He was decorating a hotel at the time and preparing for graduation exercises. All they heard was that trouble is coming.

How would they have known that trouble is coming to commit the worst racist, terrorist attack on American soil in history? How would they have known that the theaters that they would attend, all Black-owned, and the hotel that they were decorating, right, which would rival any White hotel in terms of its quality, in terms of its grandeur, how would they have known that trouble is coming; that the community was going to be consumed, first, by hatred, and then, with fire, and that airplanes would fly overhead and drop bombs?

It is a history that we, as descendants, have known all our lives. I was blessed to grow up in that Greenwood community. It is somewhat disturbing to know that the incident set off that 1921 Race Massacre was, basically, a lie. It was a lie that took lives. It was that same old story about the scary, savage Black man who some-

what was harming the White damsel in distress. We know that was not even the case.

Mr. COHEN. Representative Goodwin, you are going to have to wrap up. Can you wrap up? You are a minute over.

Ms. GOODWIN. Yes, I will wrap it up.

I will say this: Reparations are due. The harm is ongoing. Tulsa now, when you still have the same ownership as it was in 1921, when the unemployment rate is $2\frac{1}{2}$ times that of our White counterparts, when criminal justice reform is not happening in Tulsa—those same police, that same State, that same city that was complicit, it exists today. Reparations are due. Restoration is due. Restitution is due.

Thank you so much for allowing me to go a bit over time.

We have got three great examples staring us in the face, crying out for justice. All we have to do is answer.

Thank you.

[The statement of Ms. Goodwin follows:]

May 19, 2021
 Regina Goodwin
 State Representative, Tulsa, Ok
 Descendant of 1921 Tulsa Race Massacre Survivors.

I am a fourth generation Tulsan and the descendant of 1921 Tulsa race massacre survivors, my great-grandparents Carlie Marie and James Henri Goodwin, my great aunt Anna and grandfather Edward Goodwin Sr.

They helped build the thriving black community of Greenwood in Tulsa Oklahoma. My great-grandfather was the business manager of the Tulsa Star newspaper, and a co-founder of Jackson's Funeral Parlor; In 1921, my grandfather was a senior in high school, preparing for a graduation ceremony and decorating for the senior prom when he heard "trouble was coming".

100 years ago, a reparations lawsuit was timely filed in 1921 by my great-grandparents James Henri and Carlie Marie Goodwin. According to lawsuit, No. 23368, filed in the Tulsa County Courthouse, my great grandparents were living quietly, peacefully, lawfully, in other words they weren't doing anything to provoke an attack.

The deadliest act of racial terrorism happened on American soil, in Tulsa, Oklahoma, May 31-June 1st, when an estimated 300 black persons were burned, shot and bombed by white mobs.

No charges, no convictions, no one held accountable for the murders. No Justice, Just stories passed down such as the telling of a black man and woman shot in the back of their heads as they knelt together in prayer or of houses and businesses set ablaze and destroyed by wicked arsonists.

My family, simply by God's grace survived, while the mamas and daddies of too many others did not. Generations and generational wealth was lost.

Partial property losses of many black Tulsans at that time totalled \$1.8 million which some estimate as \$100-\$150 million in today's dollars. The Goodwin family lost the 2 story Goodwin building at 123 N. Greenwood. My great-grandmother listed as destroyed, 14 other properties along with four feather beds, kitchen furniture, a piano and library books.

Collective determination and a legal victory in the Ok. Supreme Court by BC Franklin allowed for the rebuilding of houses in the Greenwood community.

My grandfather would become the youngest entrepreneur in the rebirth of Greenwood in the 1920's and 1930's.

He would own a haberdashery and in 1936 the Oklahoma Eagle newspaper today, the oldest black newspaper in Oklahoma.

In the 60's and 70's, I grew up on 1415 N. Greenwood Ave. Within a block and a half, was the hospital where I was born, my church, a BBQ spot, my school and the funeral parlor. The circle of life was in my community.

The Greenwood community was led into decline through redlining, expressway intrusions and urban removal. The systemic racism, and implementation of detrimental policy continue the harm begun 100 years ago. As a State Representative of the Greenwood area, I am aware other city and state officials were complicit in the demise of Greenwood. Generations later, we continue to fight the continued harm. We remain resilient and committed to build up; 100 years later, the memory and mission of our ancestors continues to be compelling. Reparations, Restoration and Compensation are due.

Mr. COHEN. Thank you, Representative Goodwin.

If you see my friend Angela Monson, we served together on the National Conference of State Legislatures many years ago and I know she was a colleague of yours at one point—give her my best.

Ms. GOODWIN. Absolutely. I was just with her last week. Thank you. I will absolutely convey the message.

Mr. COHEN. Thank you.

Ms. GOODWIN. Thank you for the privilege.

Mr. COHEN. Our next Witness is Damario Solomon-Simmons. He is the founder and Executive Director of Justice for Greenwood. He is an attorney with a nationwide practice that includes advocating for reparations for the survivors of the 1921 Tulsa-Greenwood Massacre and citizenship rights of Black Creek Indians.

He is also an Adjunct Professor at the University of Oklahoma, teaching courses on African and African American history, culture, and other issues. He received his J.D. from the University of Oklahoma College of Law, holds a Master of Education degree and a B.A. from the University of Oklahoma.

We welcome you, and you are recognized for 5 minutes.

STATEMENT OF DAMARIO SOLOMON-SIMMONS

Mr. SOLOMON-SIMMONS. Thank you, Chair.

“In Tulsa, the racial and economic disparities that we see today is a direct result of the 1921 Tulsa Race Massacre.” Those are not my words. Those are the words of the current mayor of Tulsa, G.T. Bynum.

These disparities that we all know exist, some of these disparities that you have already heard, is that we live 11–14 years less than our White counterparts in South Tulsa because we have no health care; we have no hospital in North Tulsa, Black Tulsa, is where I live, where I grew up. I am a son of Greenwood, a proud product of North Tulsa. We have no hospital. We are shot and beaten by the police 3–4 times more than our White counterparts in Tulsa. We have 35 percent of our people, Black people in Tulsa, living in poverty. We own our homes 2½ less in Tulsa, Blacks, than White Tulsa.

We have evidence after statistic after statistic. Yet, our mayor, our city, our county, our chamber, they oppose justice; they oppose reparations; they oppose Mother Randle, Mother Fletcher and Mr. Ellis, who you heard from today.

I am here today because the city of Tulsa has failed us. They bombed us. They burnt us. They killed us. They looted from us. They destroyed not just our property, not just our livelihood and our lives, but our legacy, our generational wealth, the idea of Greenwood, a freedom mind state, landownership, and wealth concentration. They took that from us, and then, they put in a system of policy violence that continues to this very day. So much so that, right now, as I speak, the same perpetrators of the massacre—the city, county, chamber, and State—are utilizing the massacre to pad their own pockets.

Are you allowing the branding of the massacre—the murders, the names, and the likenesses of people who suffered, who died, who was treated as refugees, who lived in internment camps for 18 months, who had to be signed out by a White person with an ID

card—these people who have raised more than \$30 million in the name of the massacre for what they call “culture tourism.” Not one penny has been given to any of the survivors. Not one dime has been paid for the claims that are still outstanding, the claims that these sophisticated, wealthy, Black people had the wherewithal, the savviness to have insurance policies. Over 1,400 claims remain to date, over \$50 million. We know who is owed this money. We know who made the claims. We know where they live. We know what was taken.

We also even know some of the insurance companies that are still active today. I want to give you their names: C&A, AIG companies, the Insurance Company of Pennsylvania, Westchester Fire Insurance Company, the Hartford Great American Insurance Company, Insurance Company of North America, North River Insurance Company, California Insurance Company, and Phoenix Assurance Company.

We have reached out to these folks asking them to engage in a conversation or how they can directly benefit those who they failed 100 years ago. Just like the city has refused, just like the State has refused, just like the chamber has refused, we have not got any of the insurance companies to engage in a meaningful discussion with us at this time.

The banks failed us. Thousands of the survivors of Greenwood lost their life savings in the banks because the bank books burnt up and they couldn’t get their money out. We have researched and found at least 17 of those banks we believe are still operating through Chase and Bank of Oklahoma. We want a conversation with them also.

The courts failed us. There have been over 100 lawsuits filed on this issue, and not one has been heard on its merits.

You heard from my clients. I have the great honor to serve as lead counsel for these three wonderful, amazing people you heard from today.

We went through hell to get here. Mother Fletcher traveled yesterday from 6:00 a.m. in the morning, and we didn’t get into our hotels until after midnight. This woman didn’t complain. This woman didn’t have anything to eat. She said, “I’ve got to be here. I want to see justice.”

Representative Cohen, Representative Nadler, and Representative Sheila Jackson Lee, I was here in 2007. I appreciate your still being with us, but, as you know, we have lost so many since that hearing—Otis Clark, Dr. Olivia Hooker, and John Hope Franklin. Even we have lost my great mentor, Charles Ogletree. He is not gone, but he is not with us.

People who have fallen—I am literally standing on the shoulders of so many people who have suffered so long. We are coming to you, I am coming to you in the name of my community, my people, my clients, asking that you do for us what this Congress has done for the Japanese internment victims, what this Congress has done for the 9/11 terrorist victims.

We are asking to be treated as full human beings. We are asking to be treated—it is the belief in America that Dred Scott is not the law of the land, but the Black man does have rights that America must respect.

I know my time is getting low, but let me just finish with this: Hal Singer, to show you how powerful this issue is, Hal Singer was a world-renowned musician. He was a Greenwood survivor. He was dying over the last summer, 2020, in France. He moved from America because of racism. He had a stroke, he was blind, and he was in hospice dying. I felt bad that I was communicating with his family. I said, "You know what? Maybe I should stop calling you guys because of this time period." His wife admonished me, said, "Are you crazy? Until he dies, Hal Singer is going to fight for justice for what happened to his parents and his community."

She sent me a letter that he wrote in 2007, and this is what he said: "I've never had a lot of faith in the legal system of the Black man. That's why I moved to France. And I know we will lose a lot of battles, but we must continue to fight for our rights and our dignity."

I am fighting for the rights and the dignity of Mother Fletcher, Mr. Ellis, Mother Randle, and my community. I am asking you to help us fight. Grant us legislation that pays restitution, that gives us the ability to restore what was lost, so we can rebuild for the next 100 years.

Thank you.

[The statement of Mr. Solomon-Simmons follows:]

Written Statement of

Damario Solomon Simmons, Esq., M.Ed.
Managing Partner of **SolomonSimmonsLaw** and Founder and
Executive Director of the **Justice for Greenwood Foundation**

Before the

House Judiciary Committee

Subcommittee on the constitution, Civil rights, and Civil Liberties

Hearing on Continuing Injustice:
Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre

May 19, 2021

Introduction

I am a son of Greenwood, raised in North Tulsa at a time when few Black people dared to speak about the Tulsa Race Massacre—when the idea of accountability and reparation for this act of war against Black Tulsans was not taken seriously by anyone in the white community—when the annihilation of a model of African-American entrepreneurship and cooperation was treated as nothing more than a shameful secret that the city fathers hoped would fade with time and eventually be forgotten. Fortunately, due to the courageous efforts of a few, the Massacre has not been forgotten and the nearly 100-years-long fight to obtain Justice for Greenwood is ongoing.

Today, I am the founder and executive director of the *Justice For Greenwood Foundation*, a grassroots, 501(c)(3) organization with a big vision: to Respect, Restore, and Repair the Greenwood community from the historical omissions and continued harm caused by the 1921 Massacre, through innovative legal strategies, public education, and advocacy. The Justice For Greenwood Foundation focusses on identifying, locating, and providing a platform for the descendants of the survivors of the Massacre to share their and their ancestors' stories. Our public education efforts will publicize these stories and educate about the Massacre and its ongoing impacts. Our advocacy efforts agitate for justice for survivors and descendants of those victimized by the Massacre and its continued harm. As an organization, we support strategies that bolster the present-day Greenwood community and policies that deliver justice and pay reparations to Black Tulsans.

I am also the managing partner of the national civil rights firm *SolomonSimmonsLaw*. I have been involved in work around the Tulsa Massacre since I was an undergraduate. In 2004, I was part of a legal team—along with famed attorneys **Johnnie Cochran** and **Charles Ogletree**—who sued the city of Tulsa, the Tulsa Police Department, and the state of Oklahoma on behalf of over 200 survivors and descendants of Massacre victims. Currently I serve as lead counsel for the last three known living survivors of the Massacre.

The City of Tulsa’s current Mayor G.T. Bynum has publicly acknowledged that “in Tulsa, the racial and economic disparities that still exist today can be traced to the 1921 race massacre.”¹ Despite this admission, the city and county of Tulsa, the State of Oklahoma, and the powerful Tulsa Chamber of Commerce—who are some of the perpetrators of the Massacre and its 100 years of continued harm—have offered no apology, restitution, or accountability for their unjust actions. I am here testifying before you today because, with only three living survivors, time is of the essence for Congress to deliver justice to Massacre victims and their descendants.

¹ See, *Bloomberg Philanthropies Announces City of Tulsa Will Receive \$1 Million for Public Art Project Honoring America’s First ‘Black Wall Street’*, City Of Tulsa (archived Mar. 2, 2019), <https://www.cityoftulsa.org/press-room/city-of-tulsa-named-bloomberg-philanthropies-2018-public-art-challenge-winner/>.

Overview



Beginning on May 31, 1921 and lasting through June 1, 1921, one of the worst acts of domestic terrorism in United States history since slavery completely decimated Tulsa's thriving, all-Black community of Greenwood.² A large, angry White mob, including some members of the Tulsa Police Department, the Tulsa County Sheriff's Department, and the National Guard, as well as other city and county leaders and members of the chamber of commerce, overwhelmed the approximately 40-square-block community, killing hundreds of Black residents, injuring

² See OKLA. COMM'N TO STUDY THE RACE RIOT REPORT OF 1921, [hereinafter, Race Massacre Report] (Feb. 28, 2001), <https://www.okhistory.org/research/forms/freport.pdf>. The Oklahoma State Legislature accepted the findings of the Race Massacre Report through the passage of 74 O.S. § 8001. The Race Massacre Report is incorporated in its entirety by reference herein.

thousands more, burning down almost fifteen hundred homes and businesses, and stealing residents' personal property.

This brutal, inhumane attack, now referred to as the Tulsa Race Massacre of 1921, robbed thousands of African Americans of their right of self-determination³ on which they had built this self-sustaining community, and endangered the comfort, repose, health, and safety of the members of the Greenwood community, rendering them insecure in their lives and the use of their real and personal property.

Following the Massacre, the perpetrators of the Massacre—including the *City of Tulsa* (City), the *Tulsa Regional Chamber of Commerce* (Chamber), the *Tulsa Police Department*, the *Tulsa Development Authority* (TDA), the *Tulsa Metropolitan Area Planning Commission* (TMAPC), the *Board of County Commissioners for Tulsa County*, and the *Oklahoma Military Department*—exacerbated the damage and suffering of the Greenwood residents when they unlawfully detained thousands of Greenwood survivors and enacted unconstitutional laws that deprived Greenwood residents of the reasonable use of their property. From the period immediately after the Massacre until the present day, the perpetrators of the Massacre actively and unreasonably, unwarrantedly, and/or unlawfully thwarted the community's efforts to rebuild, neglecting the Greenwood and predominantly Black, North Tulsa communities. Instead, the perpetrators redirected public resources, which should have been used to rebuild and bolster the Greenwood community and economy, to benefit the overwhelmingly White parts of Tulsa. Perpetrators also used federal programs such as Urban Renewal⁴ to continue the destruction of the

³ See OKLA. CONST. ART. II, § 2.

⁴ Urban Renewal is the process where privately owned properties within a designated area are purchased or taken by eminent domain by a municipal redevelopment authority, razed and then reconveyed to selected developers who devote them to other uses. See *Britannica Online*, "Urban Renewal," available at <https://www.britannica.com/topic/urban-re>

Greenwood community. As a direct result, Massacre victims and thousands of Black Greenwood and North Tulsa residents and their descendants have experienced and continue to experience insecurity in their lives and property and their sense of comfort, health, and safety has been destroyed. This has continued to plague Tulsa's Black community for nearly one hundred years.

Adding to the Massacre victim's host of other injuries, the perpetrators of the Massacre in recent years began enriching themselves by promoting the site of the Massacre as a tourist attraction, obtaining funds to do so, as well as aiding in obtaining funds to create a history center, Greenwood Rising, of which Massacre perpetrators will control and appropriate the narrative of the Massacre, and distort their central role in the continued oppression of Greenwood and its Black residents.

The Making of Greenwood: Land, Freedom, and Wealth

At the end of the Civil War, newly emancipated African Americans suffered from so much hostility that, as scholar Michael Eric Dyson writes, "Black folk were always on the move, throwing off oppression like stifling clothes and inhabiting new lands with old hopes of freedom."⁵ The search took them to Kansas, Canada, Mexico, and even Africa. But it was Oklahoma that got the most attention from freedom-thirsty African Americans. Newly freed African Americans viewed Oklahoma, then known as Indian Territory, as the most sensible place to start their new lives.

In Indian Territory African Americans could settle alongside the thousands of free African-Native Americans (a/k/a Native Blacks) that were citizens of the Five Tribes, which were forcefully removed from the Southeastern United States in the 1830s. Before Oklahoma Statehood

⁵ Hannibal Johnson, *Acres of Aspirations* 14 (2002).

in 1907, most Native Blacks had lived as first-class citizens within their Native Nations for at least forty years due to post-Civil War Treaties. This allowed Native Blacks—especially those who, like my ancestors, were citizens of the Creek Nation—to build wealth, independent communities, and own valuable mineral rich land. This combination of land ownership, freedom mind state, and wealth concentration gave birth to Greenwood—the most prosperous, organized, and successful Black community in United States history.

Demographics of Greenwood Before the Massacre

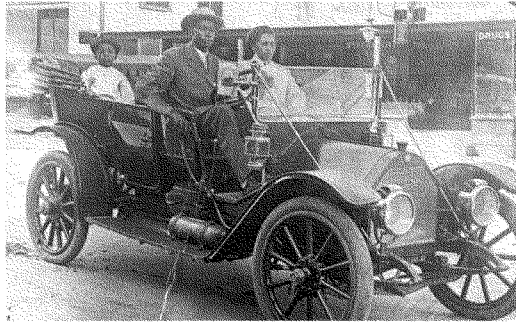
By May 30, 1921, Black Greenwood residents had built their own “Wall Street”—a vibrant, peaceful, and extraordinarily prosperous community located in the district known as Greenwood.

The black population had grown to almost 11,000 and the community counted two black schools . . . , one black hospital, and two black newspapers [Greenwood] at this time had some thirteen churches and three fraternal lodges . . . plus two black theaters and a black public library Along Detroit Avenue and certain other streets were the neat, sturdy homes of some of those black Tulsans who owned business lining Greenwood Avenue, augmented by the houses of the city's black professional class. Within this elite group, some were rumored to have assets in excess of \$100,000.⁶

The great Dr. W.E.B. Du Bois once said of Greenwood, he had never seen a Black community so highly organized. Greenwood residents had everything they needed within the geographic boundaries of their community. Indeed, “Black Wall Street” was so economically self-sufficient that purportedly every dollar that came through it circulated through the community fifty times, and it sometimes took a full year for currency to leave the community. In Greenwood, Black residents achieved a measure of independence, were able to come and go as they pleased, to work

⁶ THE RACE MASSACRE REPORT OF 1921

for whom they wished, and to build lives of their own. Black Wall Street was as much of an idea as it was a place.



Dreamland Theatre (above) owned by John & Loula Williams, pictured here with their son Bill, 1912

Much of the land and the structures in Greenwood were owned by Greenwood residents. Black people from around the country visited and relocated to Greenwood to witness and enjoy its prosperity. Community leader, **Attorney J.B. Stradford**, built the *Stradford Hotel*, which was known as the largest and finest African American-owned hotel in the United States. Community leader, Attorney **A.J. Smitherman**, published the nationally influential Black-owned newspaper, the *Tulsa Star*, and served as the President of the *Western Negro Press Association*, the purpose of which was to represent Black newspaper publishers west of the Mississippi and support their efforts to expose racial terrorism. **John and Lula Williams** built and operated the nationally known luxurious *Williams Dreamland Theatre*, which many considered the finest Black-owned theatre in America at the time. Those and other community leaders were essential to creating a

Black dream land community. One Greenwood resident said that many Black citizens came to Tulsa “lured by the dream of making money and bettering [themselves] in the financial world.”⁷

That dream ended in brutality and tragedy on May 31, 1921, when an angry mob of approximately 2,000 white Tulsans, City of Tulsa officials and officers among them, pillaged and destroyed the entire Greenwood neighborhood⁸ in what turned out to be the deadliest and most devastating race massacre in the history of the United States.

The 1921 Tulsa Race Massacre



On or about On or about May 31, 1921, Tulsa City police arrested a 19-year-old resident of the Greenwood community, Dick Rowland, on charges of assaulting a woman. That day, the *Tulsa Tribune* (acquired by the *Tulsa World* in 1992) committed libel when it “reported that [Dick] Rowland . . . had attempted to rape [Sara] Page.” Indeed, “Dick Rowland was exonerated . . .” More than that, that same day, the *Tribune* also published an inflammatory article entitled “Nab Negro for Attacking Girl in Elevator,” which helped drive the White mob into the murderous frenzy that culminated in the Massacre. A police official later stated that the “colored and untrue

⁷ Mary E. Jones Parrish, *Race Riot 1921: Events of the Tulsa Disaster* 7 (1923).

⁸ RACE MASSACRE REPORT 153-174.

account . . . incited such a racial spirit upon the part of the whites . . . If the facts as told the police had only been printed I do not think there would have been (any) riot whatever.” Eyewitnesses have also said the *Tribune* published an editorial entitled “To Lynch a Negro Tonight,” though researchers have been unable to locate a copy of it (but admit it is possible it once existed).

By 10:00 p.m. on May 31, the Tulsa police station was filled with a mob of armed, angry White people—overwhelmingly male. The police deputized and armed male civilians without regard for the safety and security of the African American residents of Greenwood. They kept no record of which civilians were issued weapons. Instead, the police department ordered deputies and non-deputies alike to “go home, get a gun, and get a nigger.”⁹ After the Massacre, the City’s Police Chief pleaded in the pages of a white Tulsa newspaper for the return of guns, stating they were issued with the understanding that they would be returned when the need for them passed.

⁹ Race Massacre Report, at 64.



City, County, and Chamber officials also sought the assistance of the local State National Guard units. A local State National Guard commander arrived with two officers and sixteen men at approximately 10:30 p.m. They went to the police station, where they began working in conjunction with the police.

Throughout the night of May 31, 1921 into June 1, 1921, the White mob, including men newly deputized by the City and County, came across the Frisco railroad yard into Greenwood. Although outnumbered, the African American residents fought to keep them out, but the Whites forced their way into Greenwood, shooting, wounding, and killing many African Americans, and burning down everything in their path.

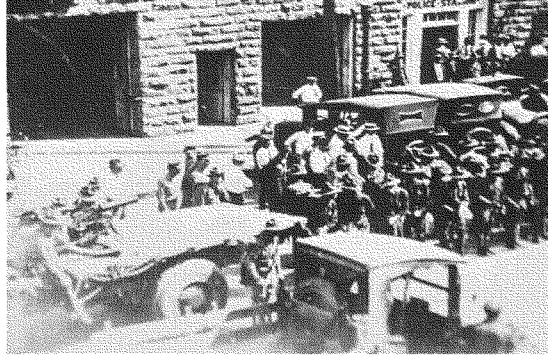


State National Guardsmen fired upon a number of African American Greenwood residents in the process of responding to the “Negro uprising.”¹⁰ Sometime after 11:00 p.m., twenty Guardsmen arrived at the police station, where they had set up headquarters. They guarded the border between White Tulsa and the African American Greenwood District for several hours.

Some African Americans attempted to organize an effort to defend themselves against the oncoming mob, which included newly deputized members of the police department, on Brickyard Hill between Haskell and Jasper Streets.

Between the hours of 1:00 a.m. and 2:00 a.m., J.B.A. Robertson, the Governor of Oklahoma, declared martial law throughout Tulsa County.

¹⁰ The Massacre was falsely called a “Negro Uprising” by the perpetrators of the Massacre.



The Guard, which had been instructed by the Governor to protect Greenwood residents and restore order, instead joined the rioters, acting “like wild men.”¹¹ This White mob, containing newly deputized members of the police department and Guardsmen, outnumbered and shot the African American men stationed at Paradise Baptist Church.

At Sunset Hill, located on the northwest side of Greenwood, the White mob advanced on the African Americans living there and fired at will for nearly half an hour. Before advancing on Greenwood, they shot the African American men, women, and children who hid behind barricades to defend their homes. The White mob also attacked African Americans barricaded in a concrete store in the northeast corner of Greenwood. The Guardsmen fought alongside those newly deputized by the City and County, killing African Americans.

The perpetrators of the Massacre used airplanes, including those owned and operated by Sinclair Oil Corporation, to track down, menace, shoot at, and kill Greenwood residents as well as

¹¹ Race Massacre Report at viii.

to relay the location of Greenwood residents to the perpetrator's ground forces. They also used the airplanes provided by Sinclair Oil to drop incendiary materials and bombs on the streets, homes, businesses, and people of Greenwood.

At 5:00 a.m., on the morning of June 1, 1921, a whistle blew as a signal to the White mob, authorizing individuals newly deputized by the City and County, as well as the fresh National Guard troops, to enter Greenwood.

Brigadier General Charles F. Barrett, who was in charge of the National Guard brigade, stated that, on the morning of June 1, 1921, he witnessed a rioting White mob in Greenwood, which was by now on fire. The National Guard marched through the crowded streets. Brigadier General Barrett described scared and partially clothed African American men, women, and children paraded through the streets under heavily armed guard.

Brigadier General Barrett wrote that, "In all my experience, I have never witnessed such scenes that prevailed in this city when I arrived at the height of the rioting 25,000 whites, armed to the teeth were ranging the city in utter and ruthless defiance of every concept of law and righteousness. Motorcars bristling with guns swept through your city, their occupants firing at will."¹²

¹² CHARLES F. BARRETT, OKLAHOMA AFTER FIFTY YEARS: A HISTORY OF THE SOONER STATE AND ITS PEOPLE 1889-1939 (1941).



Maurice Willows, then Director of the local Red Cross, stated that, “All that fire, rifles, revolvers, machine guns, and inhuman bestiality could be done with 35 city blocks with its 10,000 Negro population, was done.”¹³

The shooting had ceased by 11:00 a.m. on June 1, because the African American Greenwood residents had all been either killed, placed in “protective custody,” or driven out. Even after the Massacre ceased, the newly deputized White citizens were told that they were to “go out and shoot any nigger you see, and the law’ll be behind you.”¹⁴

Valiant efforts by Greenwood residents to defend their community from this brutal attack were unsuccessful. They were substantially outnumbered and outgunned.

This angry White mob attacked Greenwood, killing hundreds of Greenwood’s residents, looting their homes and businesses, and reducing an approximately 40-square-block area (4 square miles) of homes and businesses to ash and rubble. Hundreds of Greenwood residents died.

¹³ *Id.*

¹⁴ R. HALLIBURTON, JR., *THE TULSA RACE WAR OF 1921*, 10 (1975).

Thousands more were injured. Still thousands more were left homeless—many forced to flee Tulsa never to return. Many were simply never heard from again.



The looting of valuable personal property owned by Greenwood residents was so widespread that the White mob carefully stripped homes and businesses of all valuables before setting fire to the structures. The heartbreaking experience of Massacre survivor Dr. Robert Bridgewater and his wife, Mattie, who lived at 507 N. Detroit paints a harrowing picture of the savagery of the perpetrators of the Massacre:

Returning to his home — after being held at Convention Hall — in order to retrieve his medicine cases, Dr. Bridgewater later wrote, “On reaching the house, I saw my piano and all of my elegant furniture piled in the street. My safe had been broken open, all of the money stolen, also my silver ware, cut glass, all of the family clothes, and everything of value had been removed, even my family Bible. My electric light fixtures were broken, all of the window lights and glass in the doors were broken, the dishes that were not stolen were broken, the floors were covered (literally speaking) with glass, even the phone was torn from the wall.”¹⁵

¹⁵ SEE RACE MASSACRE REPORT AT 83-84.

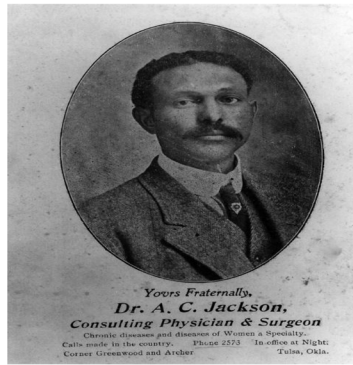
The newly deputized members of the Tulsa Police Department, County Sheriff's office, City, Chamber, and County officials set fire to almost fifteen hundred Greenwood residents' homes and businesses. One witness, Judge John A. Oliphant, testified that, "Instead of protecting property, they were the chief fellows setting fires."¹⁶ Those fires completely engulfed Greenwood, so much so that Massacre survivor Alice Andrews stated, "It looked the world was on fire."¹⁷



By sunrise on June 1, 1921, the once prosperous 40-block district in north Tulsa lay utterly destroyed. Scores of successful businesses and homes were lost. Estimates of the total property damage have amounted to around \$5 million—equaling over \$67 million in 2021 dollars.

¹⁶ RACE MASSACRE REPORT AT 160 (CITING TESTIMONY OF JOHN A. OLIPHANT 2, ATTORNEY GENERAL'S CIVIL CASE FILES, RG 1-2, A-G CASE NO. 1062, BOX 25 (OKLAHOMA STATE ARCHIVES)).

¹⁷ EDDIE FAYE GATES, THEY CAME SEARCHING: HOW BLACK SOUGHT THE PROMISED LAND IN TULSA, 43, (1997).



Worse, hundreds died. Hundreds and possibly even thousands more were injured. Still, more were left homeless—many forced to flee their hometown and never look back. Some were simply never heard from again. Actions of the perpetrators during the Massacre and its aftermath destroyed the Greenwood community's leadership.

The White mob murdered professionals and business owners who contributed to the community's prosperity, such as nationally renowned surgeon Dr. A.C. Jackson. Dr. Jackson was a prominent Greenwood resident who was brutally shot on June 1, 1921 by members of the angry White mob deputized and armed by local law enforcement while coming out of his home, hands raised. He bled to death while imprisoned at the Convention Center. Those who managed to avoid physical injury were still left destitute and forever traumatized by the horror of what they had experienced and witnessed—a burden they and their descendants would carry for generations.

Immediate Aftermath of the Massacre

In the immediate aftermath of the Massacre the Chamber was given charge of Tulsa while it was under martial law. The Chamber formed the Public Welfare Board, all members of which were White. The failure to include any Greenwood residents precluded the Greenwood community from influencing public efforts at reconstruction.

Under the authority of the Public Welfare Board, more than 6,000 Greenwood residents were forcefully detained in what the *Tulsa World* called “concentration camps.”¹⁸ Those camps, including the Ballpark and Convention Center, were guarded by armed White men including the City’s police and members of the National Guard. Members of the Greenwood community were only able to leave these camps if a White person sponsored them, vouching for their good character.

The “paroled” Greenwood community members were required to wear or carry a green card bearing their White employer’s name while out of the camp. Many Greenwood community residents were forced to work for their White employer under threat of violence and without pay. Those conditions amounted to a badge of slavery.

The Chamber used its property, including money, to secure and pay for the green cards that the City of Tulsa and the State of Oklahoma’s National Guard required every African American adult to carry. Those green cards were adorned with the words “Police Protection” printed on one side, and various other data recorded on the other, including the person’s name, address, and employer. The City issued an order that “any black found on the street without a green card properly filled out was arrested and sent back to the detention camp.”¹⁹

¹⁸ 5,000 NEGROES HELD IN FAIRGROUNDS CAMP, *TULSA DAILY WORLD*, JUN. 2, 1921, [HTTPS://CHRONICLINGAMERICA.LOC.GOV/LCCN/SN85042345/1921-06-02/ED-1/SEQ-2/](https://chroniclingamerica.loc.gov/lccn/sn85042345/1921-06-02/ed-1/seq-2/).

¹⁹ SCOTT ELLSWORTH, *DEATH IN A PROMISE LAND: THE TULSA RIOT OF 1921* 75 (1982).

| IDENTIFICATION CARD | |
|---------------------------|----------------------------|
| Name..... | Mary E. Jones Parrish..... |
| Sex..... | Female..... |
| Where Living..... | 535 E. Dunbar St..... |
| Employed by..... | Mr. Hooker & Gregg..... |
| Address..... | Y. M. C. A..... |
| Kind of Work..... | Y. M. C. A..... |
| Employer's Signature..... | G. G. Gregg..... |
| Card Approved..... | E. J. Austin..... |
| Date..... | 6/13/1921..... |

The *Tribune* celebrated the use of the green cards writing, “As always it is the bad who bring misfortune on the good. The bad negro is not helping the cause of his people in any community when he tries mob rule with gun in hand. The city does just what it should do when it gets rid of the negro who cannot give a good account of both his time and conduct.”²⁰

In addition, the Chamber, City, and National Guard required African Americans to work their way out of custody by cleaning up the destruction caused by the angry White mob. At some time on June 2, Brigadier General Barrett issued Field Order Number 4, which decreed that “all able bodied [N]egro men remaining in detention camp at the Fairgrounds and other places in the City of Tulsa [would] be required to render such service and perform such labor as [was] required by the military commission.”²¹ The African American Greenwood residents were treated like chattel, reminiscent of slavery.

²⁰ Get a Green Card, *TULSA TRIBUNE*, June 8, 1921.

²¹ Gerald Jerome Smith, *Constitutionality of States' Use of Police and Military Force to Arrest, Detain, and Confine American Citizens Because of Race*, 27 *OKLA. CITY U. L. REV.* 451, 454-55 (2002).

Knowing the Massacre injured the reputation and standing of the whole of Tulsa and its White citizens, Massacre perpetrators colluded in a campaign to cover up the true nature of the destruction of Greenwood, characterizing the Massacre as a “race riot” to misrepresent the attack and extent of the damage. For example, in a statement to the local newspaper a day after the Massacre, Alva J. Niles, President of Defendant Chamber at the time, falsely blamed the Massacre on “a group of negroes exhibiting a spirit of lawlessness.”²²

T.D. Evans, then mayor of the City, stated, “Let the blame for this Negro uprising lie right where it belongs—on those armed Negroes and their followers who started this trouble and who instigated it and any who seek to put half the blame on the white people are wrong and should be told so in no uncertain language.”²³ The *Tribune* wrote “in this old ‘Niggertown’ were a lot of bad niggers and a bad nigger is about the lowest thing that walks on two feet... Well, the bad niggers started it.”²⁴ Those statements embodied the City of Tulsa’s actions in covering up the true causes of the Massacre by asserting that “people with no authority were quickly armed,” rather than acknowledging that the White mob was in fact deputized by local law enforcement.

Next, to deflect the negative attention the Massacre was causing, the perpetrators promised in statements to the press, “to formulate a plan of reparation in order that homes may be built ... as quickly as possible rehabilitation will take place and reparation made.”²⁵ However, not only did they not compensate the victims of the Massacre, through the Chamber’s Public Welfare Board, they affirmatively rejected monetary aid from around the country that was intended to assist

²² *Okla. Historian, Hannibal Johnson, Gives Annotation of 1921 Tulsa Chamber Meeting Minutes*, THE BLACK WALL STREET TIMES, June 30, 2020. <https://theblackwallstreettimes.com/2019/05/28/okla-historian-hannibal-johnson-gives-annotation-of-1921-tulsa-chamber-meeting-minutes/>. (Last visited August 4, 2020).

²³ TULSA TRIBUNE, June 14, 1921. The blaming of Black victims for their own death when they are harmed by the City is still the dominant policy and practice today.

²⁴ *It Must Not Be*, TULSA TRIBUNE, June 4, 1921.

²⁵ *City to Meet Demands of Own Purse*, TULSA TRIBUNE, June 3, 1921.

Greenwood residents displaced as a result of the Massacre. In fact, a \$1,000 contribution from the *Chicago Tribune* was returned by the City and Chamber.²⁶

While members of the Greenwood community of Tulsa were forcefully interned, the City, County, and Chamber pushed for and enacted changes in fire regulations and zoning laws that illegally deprived Greenwood community members of their property without due process of law. The goal of this unreasonable, unwarranted, and unlawful scheme was to move the Black residents of Greenwood further north, away from the White-owned Tulsa downtown district.

According to the then Tulsa Director of the Red Cross, Maurice Willows, the perpetrators of the Massacre made a concerted effort to create “public sentiment which would force the negroes to rebuild in a section somewhere outside the city limits.”²⁷

In what appears to be one of the Public Welfare Board’s first official actions, it appointed the Tulsa Real Estate Exchange and charged it with appraising the properties that were burned in the Massacre. Among those appointed to the exchange was W. Tate Brady—a known member of the Ku Klux Klan and one of the deputized armed White men who terrorized Greenwood on the night of the Massacre.

On June 3, 1921—hardly two days after the Massacre had ended—the *Tulsa World* reported that around noon on the day before, the Exchange considered “the practicability of converting the burned area into an industrial section with the result that the negro district would be removed to . . . the northeast [North Tulsa].”²⁸ The *Tribune* published the Exchange’s written proposal:

We believe that the vacant lots with proper railroad facilities will bring enough money to enable the negroes to build in a more removed section. We further believe that the two

²⁶ See *Dallas Offers Assistance*, TULSA WORLD (June 4, 1921).

²⁷ Rob Hower, 1921 TULSA RACE RIOT: THE AMERICAN RED CROSS-ANGELS OF MERCY, 183, 1998.

²⁸ *Plan to Move Negroes Into New District*, TULSA TRIBUNE, June 3, 1921.

racess being divided by an industrial section will draw more distinctive lines and thereby eliminate the inter-mingling of the lower elements of the two races, which in our opinion is the root of the evil which should not exist.²⁹



Many Greenwood residents lived on the sites of the internment camps for over a year in squalid conditions while awaiting reconstruction. The zoning change, eventually declared unlawful by the Oklahoma Supreme Court, caused a months-long delay in the rebuilding efforts and made reconstruction efforts prohibitively costly for Greenwood residents. This left many survivors of the Massacre to live in makeshift tents as their shelter into the winter, subjecting them to cold, filth, and disease for up to a year after the Massacre. The Oklahoma Supreme Court struck down the zoning ordinance in response to an expensive and time-consuming lawsuit brought by Massacre survivors that further drained their limited resources for rebuilding.

²⁹ *To Appraise All Loss by Negroes*, TULSA WORLD, June 3, 1921, at 1, <https://chroniclingamerica.loc.gov/lccn/sn85042345/1921-06-03/ed-1/seq-1/>.



Massacre perpetrator's material misrepresentations also prevented Greenwood residents, including business owners, from collecting on insurance policies, leaving them no choice but to use any savings and capital they had or undertaking exorbitant debt to rebuild. In the months and years following the destruction of the Massacre, Tulsans suffering losses incurred during the Massacre filed 1,400 claims and lawsuits for over \$5 million in property loss.

However, because City leaders quickly characterized the Massacre as a "race riot," and most of the insurance policies held a riot clause that protected against "riots, civil commotion" and the like," most insurance companies refused to pay out on the claims of people who lost property in Greenwood as a result of the Massacre. According to records we obtained from the Oklahoma Historical Society and other sources, the vast majority of these claims were either wrongfully denied by the insurers or, following commencement of legal proceedings, were unfairly resolved for payment of cents on the dollar recorded as a return of premium.³⁰ This meant

³⁰ See supplemental material "Tulsa Race Massacre Insurance Claims Cases Filed Database" at the following links: <https://www.okhistory.org/research/digital/2006.018/OHS-204.pdf>

that those who incurred property loss would bear the entire cost of rebuilding. Greenwood Lawyers Franklin, Spears, and Chappelle filed dozens of lawsuits against insurance companies, but no one received full recovery.

The City and the *Tribune* encouraged the formation of a Tulsa County grand jury that targeted Greenwood community leaders, including Gurley, Smitherman, and Stradford. The resulting fraudulently obtained indictments forced Gurley, Smitherman, and Stradford, along with many others, into permanent exile. Many other Greenwood leaders fled the state. Even more of their leaders and those who were key to its economic viability, including doctors, lawyers, teachers, nurses, businesspeople, skilled and blue-collar workers needed to make the community thrive, left Greenwood because the Massacre destroyed community businesses and institutions that provided them with employment. The Grand Jury also called for more aggressive policing of Black people in Tulsa, a practice which continues to this day.

The *Tribune* openly praised the destruction of “Old Nigger Town” and advocated for the City, County, and Chamber to never allow Black residents to rebuild Greenwood to its former glory. The ongoing gentrification of Greenwood is evidence that they wholeheartedly adhered to the *Tribune*’s call and continue to do so.

As a result, the Greenwood community suffered economic ruin, which robbed Greenwood descendants of their rightful inheritance, and the wealth, financial security, and real, personal, and intellectual property they would have had but for the actions of the perpetrators of the Massacre.

On June 6, Attorney J.B. Stradford (considered Greenwood’s wealthiest resident) was the first person formally charged with inciting a riot, but by the time he was charged he had escaped

<https://www.okhistory.org/research/digital/2006.018/OHS-205.pdf>
<https://www.okhistory.org/research/digital/2006.018/OHS-206.pdf>

to Chicago. The Tulsa authorities never managed to extradite him. In the end, Garfield Thompson, a black man who was arrested during the Massacre for carrying a concealed weapon was sentenced to thirty days in the county jail. No one else served any jail time for crimes perpetrated during the Massacre as Tulsa city officials dropped all charges against those who participated in the violence of that event.

A grand jury later placed the blame for the Massacre squarely on the shoulders of Black Tulsans, clearing the city of any and all responsibility. Greenwood survivors were blamed for the violence and destruction that annihilated their community. Worse, this unjust ruling made it so that no one who had suffered damages during the Massacre would be able to collect on their insurance claims, which meant that residents would have to rebuild Greenwood on their own dime.

On June 7, 1921, just six days after the Massacre, the City worked to pass a fire zoning ordinance that would make it impossible to rebuild residences in Greenwood and proposed converting the valuable land into an industrial warehouse district. Black Tulsans, the committee reasoned, could rebuild further into the north. The stated intent was to further segregate Tulsa. “We believe,” explained City leaders, “that the two races being divided by an industrial section will draw more distinctive lines between them and thereby eliminate the intermingling of the lower elements of the two races.”³¹ The community of Greenwood believed otherwise and, even though the city would not sanction them doing so while the proposed restrictive zoning ordinance loomed, began rebuilding efforts in Greenwood. Greenwood Lawyer B.C. Franklin later recalled in his memoirs that some were “arrested a dozen times” while trying to rebuild. Residents prepared to fight once again for their homes, businesses, and lives.

³¹ Scott Ellsworth, *Death in a Promised Land*, locs. 1619, 1402-1411.



After the 1921 Tulsa Race Riot, attorney B.C. Franklin (right) set up his law office in a tent. At left is I.H. Spears, Franklin's law partner.

Spearheaded by B.C. Franklin's law firm—the offices of which were destroyed in the fires of the Massacre—the Greenwood community galvanized to oppose the land grab. Franklin and two other Black attorneys, I.H. Spears and T.O. Chappelle reopened their law office in a tent in Greenwood where they worked to strike down the prohibitive zoning ordinance. One week after the Massacre, Franklin, Spears, and Chappelle filed an injunction against the city to prohibit it from enforcing the ordinance. They argued that “to enforce such an ordinance would be equivalent to confiscation of property without due process,” which would make the city “a party to a conspiracy against [the people of Greenwood] to despoil them of their property.” On September 1, 1921, they won the lawsuit. The Oklahoma Supreme Court struck down the ordinance, ruling that it “constituted an invalid taking of property without due process of law.”



Perpetrators of the Massacre Continued to Support Acts that Undermined the Safety and Security of Greenwood Immediately After the Massacre

In the years following the Massacre, the perpetrators continued to prevent Greenwood residents from fully recovering from the Massacre. Perpetrators supported the Greenwood community being terrorized by racist threats in the form of the Ku Klux Klan ("KKK"), including by participating in the KKK's overt public displays. In fact, all five of the men who incorporated the Tulsa KKK in January 1922 were prominent leaders of the City, County, and Chamber. Just two months later, in March 1922, Greenwood resident John Smitherman, brother of A.J. Smitherman, was kidnapped, beaten, and mutilated by the Tulsa KKK. John Smitherman's "crime" was registering Greenwood residents to vote. No one was charged or arrested for the attack on John Smitherman. The perpetrators of the Massacre knew that some of their officers and

employees were active in the Tulsa KKK, enhancing the sense of insecurity caused by the Massacre that continues to this day for Black Tulsans.



In 1923, Massacre perpetrators again used zoning laws to impede the reconstruction of the Greenwood neighborhood when they enacted a comprehensive zoning plan that designated Greenwood for industrial use, while Black Tulsans, due to racially discriminatory laws and City-sanctioned practices, were prohibited from moving outside the Greenwood neighborhood. This caused overcrowding and drove up rent prices and mortgage rates in Greenwood to levels most Greenwood residents could barely afford for the decades that followed. For residents of the Greenwood neighborhood, housing costs became an outsized portion of their budgets. Due to the high costs of loans and lack of basic resources for repair, many homes in Greenwood were virtually makeshift shacks.

From the 1920s and continuing to the present day, perpetrators of the Massacre have prevented the African American members of the Greenwood and North Tulsa communities from occupying top-level leadership positions in City government.

During the 1930s, the City, with the advice and consent of the Chamber, engaged in more extensive racial segregation in public employment than any other southern and southwestern city. For example, unlike other Southern cities, Tulsa did not hire any African Americans for public service jobs with the exception of those hired as police for the Greenwood community or teachers in the segregated school system.

Following the Massacre up through the 1950s, the City and County neglected their duty to provide public services, utilities, and amenities to the Greenwood neighborhood, such as paved streets, running water, sewers, and regular trash pickup, or a comparable number of parks and playgrounds. Their actions (or lack thereof) created and ensured that many of the Black residents of Greenwood lived in ghetto-like conditions.³²

Discussing the ghetto-like living circumstances created in Greenwood by the neglect of the City and County, resident Dr. Charles Bate, a Black physician who moved to Tulsa in 1940, recalled that during the 1940s:

There were about 20,000 blacks in an area about less than four square miles. I had never seen living conditions in a city like they were in Tulsa. [There were] 25 foot lots with 3 houses on one lot. And you'd have to go through the first two houses to get into the last house. There were outdoor privies everywhere. And none of the streets were paved in the Negro area of Tulsa... They didn't get paved up until the late 40s or 50s. Just mud streets everywhere. And very narrow.³³

³² "The Slums are the handiwork of the vicious system of white society. Negroes live in them, but they do not make them any more than a prisoner makes a prison." Dr. Martin Luther King, Jr., *The Crisis in America's Cities*, THE ATLANTIC (1967), <https://www.theatlantic.com/magazine/archive/2018/02/martin-luther-king-jr-the-crisis-in-americas-cities/552536/>.

³³ Dr. Bate was a physician who came to Tulsa in 1940. He was the first African American admitted to the Tulsa County Medical Society, and was a leader in the Greenwood and Black North Tulsa community for many years. See Dr. Charles Bate interview by Cherie Poyas for the Junior League of Tulsa, May 6, 1980, Tulsa City-County Library, last accessed Jan. 21, 2021, <http://digitalcollections.tulsalibrary.org/digital/collection/p15020coll10/id/136>.

In 1958, the Tulsa Urban League published a report entitled "A Concise Review of Housing Problems Affecting Negroes in Tulsa" that documents those concerns as follows:

Since the race riot of 1921, a critical shortage of this type [suitable] housing, almost to the point of non-existence, forced Negroes who desired better housing but could not afford new houses to remain in shacks or in blighted old houses...for Negro Tulsans, the slums...where at least 65% of the Tulsa Negroes still live, cannot be ignored. Much of the housing in the Negro slum areas is substandard and inadequate in basic structure and sanitary facilities. Shacks constructed from building material scraps and tarpaper serve as shelter to many Tulsa Negro families. Old buses have been parked and converted to resident uses. Unscreened windows provide easy access for flies and vermin. In dilapidated apartment buildings and rooming houses, baths are often shared by the occupants of as many as five to twenty dwelling units. Many dwelling units have no running water and no sewer connections for sinks and water closets...The 1950 census indicated that overcrowding was a big problem in Tulsa Negro localities and the situation has not improved to the present date.³⁴

The City and County of Tulsa's conduct and omissions in the years and decades following the Massacre blighted the Greenwood neighborhood, endangering the health and safety of the Greenwood community. The City and County, working in tandem and under the direction of the Chamber, engaged in unreasonable, unwarranted, and/or unlawful acts and violations of duty, which led to a lack of adequate and code-compliant housing during the 1950s that continues to this day.

The City and County, after participating in the burning and looting of Greenwood, refused to enforce housing codes, and thereby neglected their duty to ensure that Greenwood residents had access to suitable housing. The violations of their municipal duties made houses prone to rapid deterioration and led to substandard conditions and blight that threatened the health, comfort, and safety of the Greenwood neighborhood and community and rendered residents insecure in their lives and property.

³⁴ *A Concise Review of Housing Problems Affecting Negroes in Tulsa*, TULSA URBAN LEAGUE (1958), <http://digitalcollections.tulsalibrary.org/digital/collection/p16063coll1/id/5360/>.

Massacre perpetrator's refusal and interference with investment in the Greenwood and the North Tulsa communities and neighborhoods, which began after the Massacre, continues to this day. There is still no viable public infrastructure in these communities. For example, they have yet to replace or compensate for hundreds of structures and other institutions destroyed during the Massacre, like J.B. Stradford's luxurious and famous Stradford Hotel, A.J. Smitherman's *Tulsa Star* newspaper, or O.W. Gurley's vast real estate empire.

Since the Massacre, the perpetrators have oppressed and undermined the Greenwood and larger predominantly Black North Tulsa community in Tulsa, diverting resources to other communities to the detriment of the health, safety, and security of the Black communities in Tulsa. For nearly 100 years, they have failed to provide material support for rebuilding the Black businesses, homes, schools, and hospitals and recapturing the wealth and ready access to services destroyed in the Massacre. Instead, they continue to neglect their obligation to abate the nuisance they created to the detriment of the Black residents of the Greenwood and North Tulsa communities, focusing instead on providing opportunities for overwhelmingly White-owned and run businesses, organizations, and nonprofits.³⁵ The latest version of the City's business plan is to profit off the Massacre by "leveraging the history" to create a tourist attraction for the benefit of the City, County, Chamber, and their White Tulsa business and wealthy allies.

In addition to the direct economic losses that resulted from the Massacre, the Greenwood community suffered other severe losses that destroyed the integrity of the community and contributed to the ongoing harm that continues today

³⁵ As Guy Troupe, a successful Black entrepreneur whose family survived the Tulsa Massacre, recently told the *Washington Post*: "Two or three powerful [White] groups own the land. I've tried to forge a relationship with them to no avail. The only relationship they want is to lease. There is no offer of equity....Who owns in there? It is not us." Tracy Jan, *The 'Whitewashing of Black Wall Street'*, WASH. POST, Jan. 17, 2021, <https://www.washingtonpost.com/business/2021/01/17/tulsa-massacre-greenwood-black-wall-street-gentrification/?Arc404=true>.

Destroyed Wealth, Human Capital, and Economic Assets and Opportunities

The Massacre had a disastrous economic impact on Greenwood and its residents. At least one third of those businesses destroyed in the Massacre were not reopened after the Massacre. Today, none of the businesses operating in Greenwood before the Massacre exist.³⁶ Before the Massacre, the percentage of Black and White residents of Tulsa that owned their own homes was relatively the same.³⁷ After the Massacre, Black homeownership in Tulsa declined almost 20% and the gap between White Tulsans and Black Tulsans ballooned and worsened each year.

Due to the Massacre, the Black literacy rate in Tulsa decreased substantially and has not been on par with White Tulsans since.

Due to the Massacre and its continuing impact, including the lack of Black business owners and professionals, Black Tulsans have a lower average occupational status and less educational attainment than White Tulsans.

Due to the Massacre, thousands of productive, resourceful, and tax-paying residents of Greenwood fled never to return because of the continuing impact.

The City and County have continued their practices of limiting employment opportunities for African Americans. In the 1970s, African Americans were predominantly in lower-level jobs. Few African American members of the Greenwood and North Tulsa communities were appointed to managerial positions that would enhance the stature of the community and permit the

³⁶ It should be noted that there are at least 20 White-owned businesses that existed at the time of the Massacre that are still in operation. "Find out which businesses have survived at least 100 years in Tulsa, TULSA WORLD, Dec. 21, 2018, https://tulsa-world.com/business/photo-gallery-find-out-which-businesses-have-survived-at-least-100-years-in-tulsa/collection_df4bc18f-31b0-5a05-86ee-d24caef926ce.html.

³⁷ According to the U.S. Federal Reserve, homeownership is one of the key ways to building wealth in the U.S. The Federal Reserve reports that the average homeowner in 2016 had a household wealth of \$231,400, compared to the average renter having a household wealth of just \$5,200. Federal Reserve Bulletin, *Changes in U.S. Family Finances from 2013 to 2016: Evidence from the Survey of Consumer Finances*, Vol. 103, No. 3 (September 2017), <https://www.federalreserve.gov/publications/files/scf17.pdf>.

Greenwood and North Tulsa communities to have some measure of control over the future of their neighborhoods.

The Chamber, County, and City continue to deny African American businesses in the Greenwood and North Tulsa communities an equal voice by excluding their representatives from leadership positions on decision-making bodies that determine economic and social policy for Tulsa, including the Greenwood and North Tulsa communities.

Destroyed Neighborhood and Community Integrity, 1921 to Present

The Massacre perpetrators' continuous and persistent neglect of required duties towards the Greenwood neighborhood and community laid the fertile ground for the Massacre's continuing harm. Not only did the continuing harm affect the community in Greenwood, but it followed Black Tulsans who were displaced by acts of the perpetrators further into North Tulsa.

At the same time Greenwood and North Tulsa were being actively disinvested by perpetrators of the Massacre, those same perpetrators were making it possible for property values in predominantly White South Tulsa to appreciate, new housing and commercial developments to sprout, and White professional and entrepreneurial residents to maintain their base in South Tulsa by investing billions in resources, infrastructure, and development.

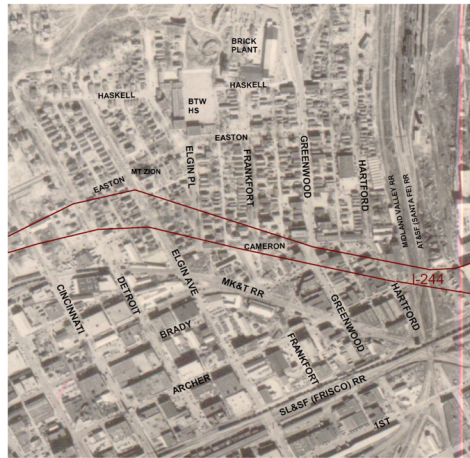
Throughout the 1950s, 1960s, and 1970s, Massacre perpetrators implemented or promoted discriminatory policies of "urban renewal" and urban planning initiatives without regard for the health and safety needs of the Greenwood and North Tulsa communities and Black Tulsans. Their failure to include the Greenwood and North Tulsa communities in the decision-making process ensured that any urban renewal plan would not serve these communities but rather would serve the interests of the predominantly White South Tulsa residents. This exacerbated the blighted

conditions in the Greenwood and North Tulsa neighborhoods. The initiatives adopted by perpetrators and their actions pursuant to them, including taking land from Black Greenwood for less than market value, led to further fragmentation of the Greenwood community and deepened Tulsa's geographical, educational, health, racial, and wealth divide that still very much exists today between Black and White Tulsans.

Additionally, perpetrators of the Massacre harmed the health and safety of the Greenwood and North Tulsa communities by deciding that the location of Interstate 244 and the construction of the inner dispersal loop would run through the middle of the Greenwood community and neighborhood, despite other viable alternatives.

Massacre Perpetrators Used Urban Renewal to Advance Their Policy Goal to Steal Greenwood and Push Its Black Residents North

In 1957, Massacre perpetrators decided to have the northern section of the City's Inner Dispersal Loop—Crosstown Expressway—run straight through the core of the main Greenwood business district. This allowed the perpetrators to further their longstanding goal discussed above to eject the Black Greenwood residents from their prime downtown Tulsa real estate to less desirable, less valuable, and less visible areas in North Tulsa.

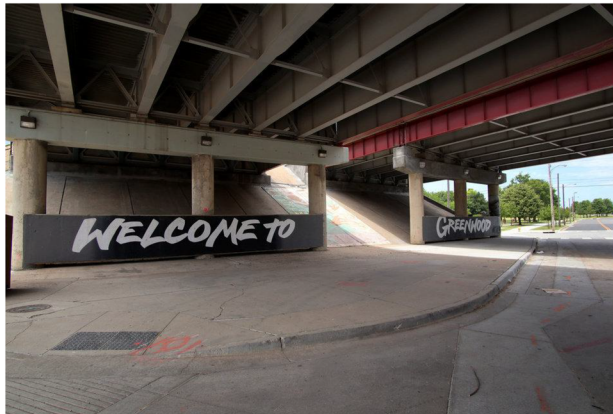


The Interstate divided the Greenwood neighborhood and community in two, creating a physical barrier between the North side of Tulsa, and its overwhelmingly Black population, from the rest of the City, and displaced many families and businesses.³⁸

A May 4, 1967 article in the *Tulsa Tribune* states, “The crosstown expressway slices across the 100 block of North Greenwood Avenue, ... There will still be a Greenwood Avenue, but it will be a lonely, forgotten lane ducking under the shadow of a big overpass.”³⁹

³⁸ A May 2020 report by the internationally acclaimed Human Rights Watch found that the perpetrators of the Massacre’s disparate use of Urban Renewal powers “claimed and demolished so many businesses and homes in Tulsa, more than 1,000, many of them in Greenwood, that black Tulsans would come to call urban renewal “urban removal...this led black Tulsans to move north, east, and west—but with few exceptions, not to the more prosperous neighborhoods south of the railroad tracks.” See *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument*, HUMAN RIGHTS WATCH (May 29, 2020), (<https://www.hrw.org/news/2020/05/29/us-provide-reparations-1921-tulsa-race-massacre>).

³⁹ Joe Looney, *Greenwood Fades Away Before Advance of Expressway*, *TULSA TRIBUNE*, May 4, 1967, <http://cdm15020.contentdm.oclc.org/cdm/singleitem/collection/p16063coll1/id/439/rec/18>.



I-244 Underpass Was Intentionally Placed Through Greenwood to Destroy the Remaining Remnants of the Greenwood Community

Massacre Perpetrators also used their urban renewal powers to take property from Greenwood residents for projects that provided no direct benefit to them—for example, the sprawling University Center at Tulsa (now Oklahoma State University-Tulsa⁴⁰) pictured below. Oftentimes, Greenwood residents were forced off their property without receiving fair-market compensation or relocation services as required by Federal law.⁴¹ The taking of prime real estate owned by Greenwood's Black residents further eroded Greenwood's tax base, negatively affecting residents, businesses, and schools in the Greenwood and North Tulsa communities.

⁴⁰ As of 2020, not only is the Oklahoma State University-Tulsa Board of Trustees devoid of any Massacre or Greenwood descendants, the Oklahoma State University Board of Trustees is all White.

⁴¹ Mother Randle was one of the thousands of Greenwood residents who had their prime location property taken only to be provided to a White-owned business.



Oklahoma State University-Tulsa sprawling campus on what used to be prime land owned by Greenwood residents and business owners.

Implementing their Urban Renewal policies only further exacerbated the Massacre perpetrator-created disparities in wealth, education, policing, housing, poverty, and health outcomes in Tulsa, rendering members of Tulsa's African American community insecure in their lives and property, and annoying, injuring, and endangering Greenwood and North Tulsa residents in their comfort, repose, health, and safety. The disastrous impact of Tulsa's Urban Renewal policies can best be summed up by Greenwood resident and Massacre survivor Jobie Elizabeth Holderness: "The black community lost some valuable things in the process. Urban renewal not only took away our property, but something else more important—our black unity, our pride, our sense of achievement, and history."⁴²

⁴² Eddie Faye Gates, *THEY CAME SEARCHING: HOW BLACK SOUGHT THE PROMISED LAND IN TULSA*, (1997).

Greenwood Residents Pushed to North Tulsa to be Ignored, Abandoned, and Oppressed by Perpetrators of the Massacre

The perpetrators of the Massacre destroyed Greenwood's bustling business district and pushed thousands of its Black residents further into North Tulsa into large, concentrated, low-income housing projects despite knowing this would create ghetto-like conditions for the Black displaced Greenwood residents. Massacre perpetrators implemented the housing projects over protests of Black community leaders who had no real governmental decision-making power in Tulsa, such as Willard Vann, then Executive Secretary of the Tulsa NAACP chapter. In 1967, Vann expressed, "We do not want to see a concentration of low-cost housing in one area [North Tulsa]. We do not want to perpetuate a ghetto."⁴³ Perpetuate a ghetto is exactly what the perpetrators did and said conditions still exist in North Tulsa.

Massacre perpetrators continued their policy of neglect and disinvestment in Tulsa's Black neighborhoods throughout the 1960s and 1970s. In 1973, Ray Freeman, the Project Director of the North Tulsa Business Development Center, spoke to those concerns, stating that, "No one has been really sincere in developing North Tulsa."⁴⁴

During his tenure during the mid-1970s, then Greenwood Chamber of Commerce President Wilbert Collins highlighted the difficulty that Black Tulsa residents of Greenwood and greater North Tulsa experienced in obtaining bank loans because of "redlining"⁴⁵ activities.

An August 1977 report by the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights describing North Tulsa, which includes the Greenwood District, found that the Tulsa "Black population is concentrated mainly in the northern part of the city [Tulsa]...this is the result

⁴³ *TURA Still Supporting Housing Plan*, Tulsa Tribune 1961-1969, at 53.

⁴⁴ Ina Hall, "North Tulsa." Ruth Sigler Avery Tulsa Race Riot Archive. Oklahoma State University Tulsa Special Collections and Archives. Series 2, Research Box 6.

⁴⁵ "Redlining" is the illegal practice of refusing to offer credit or insurance in a particular community on a discriminatory basis.

of residential and economic segregation that arose after [emphasis added] the 1921 race riot. At the present time, this section of Tulsa is experiencing a decline in property values, an increase in housing abandonment, and loss of business...increasingly the...northern sections of the city are being forsaken. Conversely, the southeastern part of Tulsa has prospered and is experiencing a tremendous growth in housing... during the 1960s about 85 percent of the estimated 31,000 new housing units built in Tulsa were located in the southeast section."⁴⁶

Meanwhile, by 1978 the perpetrators of the Massacre had built five large low-income housing projects⁴⁷ in North Tulsa within a two-mile radius of each other: Seminole Hills Apartments, Morning Star (now called Edenwood Apartments), Vernon Manor (now called Bradford), Commanche Park, and Mohawk Manor.

By 1980, very little remained of the original Greenwood community. At the same time, Greenwood and North Tulsa residents continued to experience the worst outcomes in every conceivable social-economic category, including housing, education, employment, and mental and physical health, in addition to the continuing racially disparate treatment by Tulsa law enforcement.

⁴⁶ See Oklahoma Advisory Committee to the U.S. Commission on Civil Rights, *School Desegregation in Tulsa, Oklahoma*, 6-7 (1977), <https://catalog.hathitrust.org/Record/000295177>.

⁴⁷ All of these housing projects are still operating today.

Greenwood Today

Throughout the 1980s, the perpetrators of the Massacre continued to injure and endanger the comfort, repose, health, and safety of the Greenwood neighborhood and community that first began during the Massacre. In 1989, then Tulsa School Board member Judy Eason-McIntyre lamented that the hardships Black Tulsans endured were caused by “years of discrimination ... dating back to Tulsa’s race riot in 1921...”⁴⁸ Those “years of discrimination” perpetuated the harm created in 1921 that continues to destroy the lives of North Tulsa and Greenwood residents.

The perpetrators of the Massacre had a duty to rebuild the Greenwood neighborhood that they destroyed in 1921. Rather than fulfilling this duty, they continued to underserve the Greenwood and North Tulsa communities throughout the 1990s and 2000s. They did not use federal funding, programs, and services to which they had access in the Greenwood neighborhood and North Tulsa community to abate the continuing harm of the Massacre.

A 1992 U.S. Department of Justice report found that the overwhelmingly Black North “Tulsa was a depressed, low-income area, with virtually no social services or industrial activity...”⁴⁹

In 1996, Rev. Calvin G. McCutchen, who pastored the historic Mount Zion Baptist Church⁵⁰, located in Greenwood for over fifty years, stated in an article, entitled “Black & White One City, Two Worlds: Will It Ever Change”: “One of the big problems that blacks have now is

⁴⁸ “Danise Aydelott, *Northside Schools Struggle Amid Charges of Racism*,” TULSA WORLD, June 12, 1989, https://www.tulsaworld.com/archive/northside-schools-struggle-amid-charges-of-racism/article_b50f1b9-c78b-5961-b20b-ee0a24e36e2f.html.

⁴⁹ See U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *Problem-Oriented Drug Enforcement, A Community-based Approach for Effective Policing*, (Year?) <https://www.ncjrs.gov/pdffiles/problem.pdf>.

⁵⁰ Just a week before the Massacre, the Black members of Mt. Zion Baptist Church opened a state-of-the-art two-story church that was a great source of pride for Greenwood residents. During the Massacre, the new church was burned down by the riotous White mob. Like Black Greenwood’s residents, Mt. Zion was unable to collect on its insurance coverage. As a result, when they built their new church, they had to pay off both mortgages simultaneously.

job opportunities, economics, and of course, businesses. We have very few black businesses ... Tulsa is almost like a tale of two cities. We have the north side, and we still have a lot of problems.”⁵¹

In 1998, *Hammer, Siler, George Associates* produced an urban economic development report about North Tulsa. The report found the obvious: vast disparities exist between White South Tulsa and Black North Tulsa at all levels including infrastructure, retail and office space to housing and industrial capacity, a large inventory of undeveloped real estate, strong demand for high-quality goods and services, and underutilization of land. The report also highlights how the destruction of the Greenwood business district by the perpetrators of the Massacre negatively impacted Black North Tulsa residents: “North Tulsa is experiencing a form of suppressed demand, a demand which goes unmet because of the disappearance of ‘supply’ within the neighborhood. A market for higher quality goods and services remains, but residents are forced to go to south Tulsa in order to obtain quality goods and services.”⁵²

In 2002 the national publication *The Nation* published an in-depth article on Tulsa and found that: “North Tulsa is the most underdeveloped section of the city, with most money funneling into the south side of the city, where the middle class and nouveau riche tend to settle. None of the buildings in North Tulsa are more than two stories high, and there are no shopping centers and few supermarkets. Black Tulsans have to drive all the way across town to see a movie.”⁵³

⁵¹ Ziva Branstetter, “Black & White // One City, Two Worlds: Will It Ever Change?” TULSA WORLD, Jun 2, 1996, https://www.tulsaworld.com/archive/black-white-one-city-two-worlds-will-it-ever-change/article_dbe128a5-390e-5ace-aad0-11f32e2868ac.html.

⁵² Hammer, Siler, George Associates, *North Tulsa Urban Economic Development Plan*, at 18 (Jan. 15, 1998) (unpublished manuscript, on file with the Tulsa Metropolitan Chamber of Commerce).

⁵³ Adrian Brune *Tulsa’s Shame: Race riot victims still wait for promised reparations*, Feb. 28, 2002, THE NATION, <https://www.thenation.com/article/archive/tulsas-shame/> (last visited January 27, 2021).

The racially disparate health outcomes between Black and White including life expectancy, chronic diseases and infant deaths, as well as other negative health outcomes documented since the Massacre, continued to increase during the 2010s.

In 2011 John Stancavage, then Business Editor for the *Tulsa World*, was a participant in an eight-month course studying and spending time in North Tulsa. At the conclusion of the course, he wrote about his observations and what he learned:

...the area is a 'food desert,' or lacking in a variety of grocery stores where nearby residents can get healthy food. Instead, too many meals come from convenience stores or fast-food joints. Add to that a lack of access to health care, and you have a part of town where residents die 14 years younger than the rest of the city's population...along with new bricks and mortar, north Tulsa also needs more educational and skills training opportunities, more jobs that pay higher wages, and in general just more attention from those in any kind of leadership position across the city.⁵⁴

In 2013 the City and Planning Commission commissioned a report about an area of North Tulsa that is 75% African-American. Many of those African-Americans were originally displaced from Greenwood during urban renewal or descendants of those displaced. The study⁵⁵ found the nuisance conditions created by the perpetrators of the Massacre continued as follows:

- a. An almost \$22,000 gap between the plan area's median household income and that of the rest of the City of Tulsa;
- b. The poverty rate in the plan area is about 2.5 times that of the City of Tulsa. Compared to the average Tulsan, a plan area resident older than 25 is about 2.5 times more likely to have no high school diploma;

⁵⁴ John Stancavage, *Partnerships needed to ensure north Tulsa's recovery*, TULSA WORLD, Jun. 26, 2011, https://www.tulsaworld.com/business/john-stancavage-partnerships-needed-to-ensure-north-tulsas-recovery/article_049514f9-f773-5f69-a204-d1a7792393d5.html.

⁵⁵ See *City of Tulsa 36th Street North Corridor Small Area Plan*, <https://www.cityoftulsa.org/media/1360/36snc.pdf>.

- c. The unemployment rate is 3.5. percentage points higher than the City average;
- d. The labor participation rate within the plan area is 22 percentage points lower than within the City;
- e. House values are significantly lower than rest of City;
- f. Home values historically deviate from citywide trends; and
- g. There is a lack of private retail services, including grocery stores.

In 2016 the City, Tulsa Development Authority, and Planning Commission published a report about an area of North Tulsa that is 81.8% African American. Many of those Black Tulsans were originally displaced from Greenwood during urban renewal or were descendants of those displaced. The report⁵⁶ found that the following conditions created by the perpetrators of the Massacre (among others) continued as follows:

- a. 35% of the population lived in poverty which was significantly higher than both the Tulsa city-wide and national rates;
- b. Incomes among the studied areas were in steady decline and remained significantly lower than the Tulsa city-wide incomes;
- c. The median income for the studied area was almost half of the Tulsa city-wide median income.

⁵⁶ See City of Tulsa 36th Street North Corridor Small Area Plan, <https://www.cityoftulsa.org/media/1360/36snc.pdf>.



There is now an established consensus among medical professionals that such disparities in access to the resources that enable wellbeing, like nutritious food and primary care providers, threatens community health. The *American Academy of Pediatrics*, the *American Medical Association*, and the *American College of Emergency Physicians* recently formally declared “institutional racism an urgent public health issue,”⁵⁷ and states and cities around the country are beginning to declare racism a public health crisis.

As a direct and proximate result of the Massacre and the perpetrator’s continued harm described above, Black Tulsans face disparate treatment and outcomes with respect to every single basic human need: jobs, financial security, education, housing, justice, and health, both mental and physical. Examples of how the nuisance, caused and perpetuated by the perpetrators of the Massacre, continues to imperil the lives of Black Tulsans and are well documented by the City.

⁵⁷ Christine Vestal, *Racism Is a Public Health Crisis, Say Cities and Counties*, Pew Charitable Trusts (June 15, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/15/racism-is-a-public-health-crisis-say-cities-and-counties>.

In the City's 2019 *Tulsa Equality Indicators Annual Report*,⁵⁸ the City finds and reports the following dire consequences to the nuisance they created and maintain in North Tulsa including but not limited to:

- a. **Jobs.** Unemployment in Tulsa's Black community is more than twice that of unemployment among White Tulsans; moreover, there are nearly three times as many jobs in overwhelming White Midtown Tulsa as there are in overwhelming Black North Tulsa.
- b. **Financial Security.** The median household income of White residents of Tulsa is over \$20,000 more than that of Black residents of Tulsa. Significantly more Black residents of Tulsa live at or below the poverty line than White residents.
- c. **Education.** Black students are nine times more likely than White students to be suspended from school.
- d. **Housing.** 58% of White adults own their homes, compared to only 34.8% of Black adults.
- e. **Justice.** The arrest rate of Black youth is nearly three-and-a-half times that of White youth. Likewise, the arrest rate of Black adults is over twice that of White adults. Black Tulsans are one-and-a-half times more likely to be victims of police use-of-force than White Tulsans and are five times more likely to be victims of officer use-of-force than all other racial and ethnic groups.

⁵⁸ The findings of the Tulsa Equality Indicators Annual Reports only further documented that the nuisance created by the 1921 Race Massacre continues to hinder and harm Black Tulsans and the Greenwood community. See C.U.N.Y. INST. FOR STATE & LOC. GOVERNANCE, COMM'Y SERV. COUNCIL & CITY OF TULSA, TULSA EQUALITY INDICATORS (2019) https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report_2019.pdf (last visited August 10, 2020). It should be noted that in response to the City of Tulsa's 2018 *Equality Indicators Annual Report* the NAACP Legal Defense Fund ("LDF Letter") and over fifty local community, elected, and religious leaders sent a letter to Mayor Bynum and the Tulsa City Council demanding reforms be immediately implemented. The LDF Letter stated, "It is simply unacceptable to acknowledge racial inequities in City report and do little to nothing to address them." To date, none of the reforms requested in the LDF Letter have been implemented. See LDF Letter attached as **Exhibit 5**.

f. **Health.** The rate of infant mortality among Black Tulsans is over four times that of the rate among White Tulsans, and a Black mother is more likely to give birth pre-term than a White mother is. Due to a lack of access to healthy foods and medical services, “residents of north Tulsa have unusually high incidents of diabetes, cancer, stroke, and heart problems,” compared to residents of South Tulsa. Perhaps most notable is that the life expectancy in years past the age of 66 of people who live in South Tulsa is nearly three times that of those who live in North Tulsa.

In fact, as recent as Monday, January 25, 2021, Massacre perpetrators released a report entitled “Tulsa’s Economic Development Framework: Providing An Organizational Structure and Strategy for City and its Authorities, Board, and Commissions” wherein they declared that Tulsa is “emerging as one of America’s great cities” and “an attractive and exciting hub of economic activity in the Heartland.” However, as a result of “forced segregation, job discrimination, and the 1921 Race massacre that devastated Tulsa’s prosperous Black economy,” Black Tulsans suffer deep and crushing economic disparities. A century later, Black Tulsan households still live on 40% less than White Tulsan households.⁵⁹ The report clearly states that without specific, targeted abatement of the current nuisance created by and made worse since the Massacre by the Perpetrators, the Greenwood and North Tulsa communities will never flourish.

⁵⁹ Tulsa’s Economic Development Framework: Providing An Organizational Structure and Strategy for City and its Authorities, Board, and Commissions (Jan. 25, 2021), <https://www.cityoftulsa.org/economic-development/why-tulsa/framework>.

Exploitation of the Massacre by the Perpetrators

The City, Tulsa County, Chamber, Sheriff, and National Guard participated in the Massacre that destroyed the Greenwood neighborhood and community and/or in the discriminatory schemes to thwart the complete rebuilding of Greenwood. They have and still actively participate in schemes to prevent Greenwood's full reconstruction and harm North Tulsa's residential and business communities. Yet, these perpetrators of the Massacre are now appropriating the trauma and terror suffered by the survivors and descendants of the Tulsa Massacre for their economic benefit at the expense of the Greenwood community.

Massacre perpetrators are using a well-orchestrated, multi-faceted marketing campaign designed to influence wealthy donors and business interests to give them money and distract the public from the fact they refuse to accept responsibility for the Massacre, compensate Massacre victims, or abate the public nuisance and continuing harm they created with the Massacre. In fact, their stated goal is to push the false narrative that the Black victims of the Tulsa Massacre and its continued harm have "triumphed" over the devastating conditions of continuing harm created by the perpetrators of the Massacre.

The perpetrators of the Massacre have misappropriated the history of the Massacre, using names and likenesses of survivors and descendants of Massacre victims without permission or compensation, to exploit the horrific event in which they actively participated and the subsequent trauma they caused, and which continues to this day. Their stated purpose is to promote tourism and economic development by appropriating the name "Black Wall Street," along with its cultural and historical significance and through the use of the names and likenesses of survivors—predominantly for the benefit of White-owned or controlled Tulsa businesses and organizations.

Perpetrator's misappropriations not only result in their unjust enrichment; but rather than offering an apology and compensation for the damages they caused, they are exacerbating the pain of the continued trauma they caused, and perpetuating the nuisance, by ignoring its ongoing consequences. For example, on May 31, 2020, during a televised fundraising program about the Massacre, Tulsa Mayor Bynum used the story of Dr. A.C. Jackson, who was murdered by Massacre perpetrators, to raise money for them. He did so without apology to Jackson's heirs or acknowledgment of the debt owed to the Jackson family.

The problem is not that the perpetrators of the Massacre want to increase the attraction to Tulsa. Rather, it is that they are doing so on the backs of the people they destroyed, without ensuring that the community and descendants of the Massacre and its ongoing harms are significantly represented in the decision-making group and are direct beneficiaries of those efforts. This exclusion appears intentional, and not happenstance.

For example, Massacre perpetrators are building a "cultural tourism" district that includes their \$30 million Greenwood Rising History Center (History Center) whose primary purpose is to create tourist revenue for the perpetrators and their associated White property owners in and around the historic Greenwood district. The Black residents of Greenwood and North Tulsa and survivors and descendants of those who were killed or suffered losses in the 1921 Massacre have been refused any income-producing opportunities from the History Center or any of the other lucrative multi-million dollar developments White Tulsans are enjoying.

Massacre perpetrators who acquired most of the land that comprised the Historic Greenwood Community as a result of the Massacre and continued the harm described above, have provided their White allies at least \$42 million in government tax incentives and low interest loans

to develop the most valuable and desirable land in the Historic Greenwood District over the last decade.⁶⁰

Massacre perpetrators have continued their unreasonable, unwarranted, and/or unlawful long-standing practice of taking and hoarding land in the Historic Greenwood District. In fact, the City's current chief of economic development has admitted the City has a "history of land-taking in the area and is very sensitive to the need to go through an intensive process to give the community an [for the first time] opportunity to provide input for what that will look like."⁶¹ Perpetrators of the Massacre also have a long-standing practice of refusing to allow Massacre survivors or their descendants an opportunity to purchase and develop any of the land in the Historic Greenwood District.

The exploitation of the death, destruction, and disparities created and perpetuated by the perpetrators of the Massacre for financial gain, and the failure to address the public nuisance they created that caused significant injuries to the Greenwood neighborhood and North Tulsa community, have resulted in their unjust enrichment at the expense of these communities and worsened the racial disparities including the wealth divide.

⁶⁰ See Tracy Jan, *The 'Whitewashing of Black Wall Street,'* WASH. POST, Jan. 17, 2021, <https://www.washingtonpost.com/business/2021/01/17/tulsa-massacre-greenwood-black-wall-street-gentrification/?Arc404=true>.

⁶¹ *Id.*

Unsuccessful Attempts to Obtain Justice for Greenwood

There have been several unsuccessful attempts by the Black residents of Greenwood to get the respect, reparations, and repair they justly deserve. Scores of lawsuits were filed within days of the Massacre by Greenwood residents. Some of these lawsuits languished in the Oklahoma judicial system until 1937. None ever received a hearing on their merits, and all were unjustly dismissed.

In 1997, the State of Oklahoma created the *Oklahoma Commission to Study the Tulsa Race Riot of 1921*. In 2001, the Commission issued their groundbreaking report. It called for multiple forms of restitution, including financial reparations for survivors and their families. Unfortunately, neither the state of Oklahoma nor the City of Tulsa adhered to the recommendations.

This caused the roughly 200 known survivors of the Massacre to file a federal lawsuit in the United States District Court for the Northern District of Oklahoma. The federal district court acknowledged the harm the Massacre caused but still dismissed the claims on statute of limitations grounds.

The Fight for Justice for Greenwood Continues

The Oklahoma legal system has never provided a forum or opportunity for the victims of the Massacre to have their just claims heard. Further, all perpetrators of the Massacre and its continued harm have completely ignored the recommendations from the Tulsa Race Riot Commission. Today is a chance for our Congress to finally give Black Tulsans impacted by the Massacre an opportunity to show that Tulsa's Black community—my community—is owed a massive debt. Moreover, since the Massacre and its continued harm have devastated Tulsa's Black community's sense of identity—the prosperity, sophistication, and independence that made

Greenwood exceptional—it is our hope that you will quickly act to restore dignity and honor to the people of Greenwood and that our efforts will enable the truth to come into the light, regardless of how shameful that truth may be for some. Additionally, we hope your efforts will finally allow Black Tulsans impacted by the Massacre and its continued harm to receive meaningful respect, reparations, and repair from the entities that perpetuated the violence of the Massacre in 1921 and have continued that violence in a multitude of forms into the present.

One of my favorite quotes is “the only thing necessary for the triumph of evil is for good men to do nothing.” How wonderful it would be if Congress finally did something to stop the evil that Greenwood and its residents continue to suffer.

Some Specific Remedies Needed

We call upon this Congress to provide legislation that will among other things provide the resources and framework to do the following:

- A. Payment of all outstanding claims presented by Greenwood residents as a direct result of losses sustained in the Massacre that were denied by perpetrators of the Massacre or insurance companies because of perpetrators’ misrepresentation of the Massacre;
- B. Property development, including purchase of business and residential property and repairs and upgrading of existing property, in the Greenwood neighborhood or North Tulsa;
- C. Development of mental health and educational programs by individuals who live in Greenwood or North Tulsa for residents of Greenwood and North Tulsa; or organizations with 75% of their leadership consisting of individuals who live in Greenwood or North Tulsa;

- D. Development of a quality-of-life program for individuals who live in Greenwood or North Tulsa for emergency needs related to maintaining employment, medical emergencies, and home maintenance;
- E. Creation of a land trust into which all vacant or undeveloped land in the historical Greenwood neighborhood and North Tulsa community currently owned by perpetrators of the Massacre will be placed. Residents who are descendants of those who lost homes or businesses in the Massacre shall be able to receive a parcel as close to the size that was destroyed in the Massacre or taken for less than fair market value during urban renewal;
- F. Construction of a Level 1 Trauma Center hospital, including an urgent care center, in Greenwood, in which Greenwood and North Tulsa residents are given top priority for employment at all levels, that is named after and dedicated to the Massacre murder victim and nationally acclaimed surgeon, Dr. A.C. Jackson;
- G. Creation of a scholarship program for Massacre descendants of the Greenwood District whose ancestor lived in Greenwood on May 31, 1921 or for at least 10 years, with at least five years consecutive, between May 31, 1921 and the present. The scholarship shall pay tuition, room and board, books, and fees to attend a university, college, or other post-high school education or training institution.

[Applause.]

Mr. COHEN. Thank you, Mr. Solomon-Simmons, and I appreciate your being here in a continuum from 2007 and remembering “Tree.”

Our next Witness is Dr. Tiffany Crutcher. She is the founder and Executive Director of the Terence Crutcher Foundation and a descendant of the Tulsa Race Massacre. The foundation focuses on criminal justice and police reform, providing scholarships to African American students, community youth development, and policy advocacy.

Dr. Crutcher’s twin brother, Terence, was shot by a police officer in 2016 in Tulsa while holding his hands in the air. She has since dedicated herself to transforming a justice system that has long perpetuated injustice, dating back to the 1921 massacre.

Dr. Crutcher received a B.A. from Langston University and a clerical doctorate from Alabama State University.

You are recognized for 5 minutes.

STATEMENT OF TIFFANY CRUTCHER

Dr. CRUTCHER. Thank you so much, Chair Cohen, and to this esteemed Subcommittee, thank you so much for having us.

My name is Dr. Tiffany Crutcher, and I am the daughter of Reverend Joey and the late Leanna Crutcher, who recently passed away of COVID-19 in January. I am the great-granddaughter of Rebecca Brown Crutcher, a survivor of the 1921 Tulsa Race Massacre. As I sit here today in front of this body in the very seat of our democracy, I know in my bones that she is here with me in this fight for justice. Reparations is simply making amends for a wrong, and that is what we are asking for today.

One hundred years ago, my great-grandmother was simply enjoying her life as a successful entrepreneur in Tulsa’s Greenwood neighborhood, and she wasn’t alone. You see, Greenwood, you couldn’t go a block without passing a thriving Black-owned home or business. Ten thousand people called this place home. This was “Black Wall Street,” where people like my great-grandmother Rebecca had found safety and a rare refuge in the grim days of Jim Crow.

This paradise, this vibrant place my great-grandmother helped to build, would soon be wiped away in a flood of racial terror, White supremacy, and anti-Black racism. On May 31st and June 1st of 1921, an angry White mob began their murderous rampage across Greenwood, turning the once thriving Black community into an apocalyptic pile of rubble, bones, and bodies. Homes were set ablaze with families trapped inside. Men fired guns indiscriminately into the street. For the first time in history, bombs were dropped on American soil.

Rebecca Brown Crutcher hopped on the back of a wagon and fled for her life. She was one of the thousands of Black Tulsans forced to flee Greenwood and leave everything behind. Within hours, Black Tulsans—Black resilient Tulsans—and their Black neighbors began to rebuild Greenwood from the ashes, even as insurance companies, State laws, redlining practices, and urban removal would time and again seek to destroy this sacred place.

What happened in Tulsa was perpetrated by our city's own government. Former Tulsa Judge William Kellogg said it plainly this week. "There was no doubt that White Tulsa officials were largely to blame for the massacre." They not only failed to prevent the bloodshed, but had also deputized White civilians and Klan members who took part in the burning and in the killing.

Tulsa's government failed its people. Tulsa's government failed these survivors. Tulsa's government failed Rebecca Brown Crutcher. Now, we are here asking our nation's government to see that justice is done in the form of reparations.

The vestiges of the massacre are still found in Tulsa's criminal legal system, which has torn my family apart. In 2016, Tulsa Police Officer Betty Shelby shot and killed my twin brother. Terence Crutcher is his name. Terence Crutcher is his name. Police looking for weapons instead found gospel CDs in his car. My 40-year-old brother didn't get a fair chance to live. His children didn't get a fair chance to see another day with their father.

For five years, I have fought for policing reforms like the very ones that each of you have debated and voted on. Just weeks ago, I was in this very building with the families of George Floyd, Eric Garner, and Botham Jean, asking our legislators to end qualified immunity—policing reform that could have saved my brother's life, and according to the Human Rights Watch and the NAACP Legal Defense Fund, could save the lives of so many others.

Black people aren't looking for a handout. We are looking for good legislation that recognizes our humanity. We are looking for justice. Because for centuries, injustice has cost our families an unspeakable price.

Racial disparities are systemic, and they extend far beyond issues of policing. Compared to White Tulsans, Black people in Tulsa are far more likely to be relegated to poverty and neighborhoods that don't have access to fresh fruit or produce.

As we speak, people in north Tulsa, a predominantly Black part of town, are celebrating our first full grocery store in over a decade. The grand opening the ribbon-cutting was just yesterday. I am having trouble celebrating finding crumbs in the food desert.

We shouldn't have to live like this, and we shouldn't have to die like this. If you care about racial justice and racial healing, I am asking you to do two simple things: Support reparations for the survivors and descendants of the Tulsa Race Massacre and bring reparations bill H.R. 40 to an immediate vote, and support ending qualified immunity as a part of any police reform legislation that leaves this House.

The nation's government cannot sit on the sidelines as Mother Randle, Mother Fletcher, Uncle Red spend their twilight years fighting for justice 100 years after the massacre. Their health is dwindling, as they demand reparations, fighting time, and again, to convince elected leaders to treat us like we matter.

I hope you see your loved ones in them. I hope you look past the division of politics and see our humanity. I hope you see why they are calling for reparations for the generational wealth, loved ones, memories, and opportunities that have been stolen from them, from us.

I know most of you believe in justice. All we are asking for in Tulsa, and Black communities across the United States, is for repair, respect, and restitution. If Rebecca Brown Crutcher, Mother Randle, Mother Fletcher, or Uncle Red were a part of your family, would you want the same thing for them? I implore you to embody our nation's sacred promise of justice for all.

As I close, I close with a quote of the late Ella Baker. "Those who believe in freedom cannot rest"—and we will not rest—"until justice comes."

Thank you.

[The statement of Ms. Crutcher follows:]

Tiffany Crutcher, Ph.D.
Tulsa, Oklahoma

Hon. Jerrold Nadler
c/o William Emmons
Congress of the United States
House of Representatives
Committee on the Judiciary
2138 Rayburn House Office Building
Washington, DC 20515-6216

Written Statement to the Committee

Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre
Subcommittee on the Constitution, Civil Rights and Civil Liberties
May 19, 2021, 9:30AM

My name is Dr. Tiffany Crutcher. I am the daughter of Joey and Leanna Crutcher - and I am the great-granddaughter of Rebecca Brown Crutcher; a survivor of the 1921 Tulsa Race Massacre. And as I sit here today, in front of this body, in the very seat of our democracy, I know in my bones that she is here with me in this fight for justice.

Reparations is simply making amends for a wrong. That is what we are asking for today.

One hundred years ago, my great grandmother was simply enjoying her life as a successful entrepreneur in Tulsa's Greenwood neighborhood. And she wasn't alone. You see, in Greenwood, you couldn't go a block without passing a thriving Black-owned home or business. Ten thousand people called this place home.

This was Black Wall Street, where people like my great grandmother Rebecca had found safety and a rare refuge in the grim days of Jim Crow.

But this paradise, this vibrant place my great grandmother helped to build, would soon be wiped away in a flood of racial terror.

On May 31 and June 1, 1921, an angry white mob began their murderous rampage across Greenwood, turning the once-thriving Black community into an apocalyptic pile of rubble, bones, and bodies. Homes were set ablaze with families trapped inside. Men fired guns indiscriminately into the street. And, for the first time in our history, bombs were dropped on American Soil.

Rebecca Brown Crutcher hopped on the back of a wagon and fled for her life. She was one of the thousands of Black Tulsans forced to flee Greenwood and leave everything behind.

Within *hours*, Black Tulsans and their Black neighbors began to rebuild Greenwood from the ashes even as insurance companies, state laws, redlining practices and urban removal would time and again seek to destroy this sacred space.

What happened in Tulsa was perpetrated by our city's own government. Former Tulsa judge William Kellough said it plainly this week: "There was no doubt that white Tulsa officials were largely to blame for the massacre.

They not only failed to prevent the bloodshed, but had also deputized white civilians and Klan members who took part in the burning and the killing."

Tulsa's government failed its people. Tulsa's government failed these survivors. Tulsa's government failed Rebecca Brown Crutcher. And now, we are here asking our nation's government to see that justice is done in the form of reparations.

The vestiges of the massacre are still found in Tulsa's criminal legal system, which has torn my family apart. In 2016, Tulsa police officer Betty Shelby shot and killed my twin brother, Terence Crutcher. Police looking for a weapon instead found gospel CDs in his car. My 40-year-old brother didn't get a fair chance to live. His children didn't get a fair chance to see another day with their father.

For five years now, I have fought for policing reforms like the very ones that each of you have debated and voted on. Just weeks ago, I was in this very building with the families of George Floyd, Eric Garner and Botham Jean - asking our legislators to end qualified immunity. Policing reform that could have saved my brother's life and, according to the Human Rights Watch and the NAACP Legal Defense Fund, could save the lives of so many others.

Black people aren't looking for a handout. We are looking for good legislation that recognizes our humanity. We are looking for justice, because for centuries injustice has cost our families an unspeakable price.

Racial disparities are systemic and they extend far beyond issues of policing. Compared to white Tulsans, Black people in Tulsa are far more likely to be relegated to poverty and neighborhoods that don't have access to fresh fruit or produce. As we speak, people in North Tulsa – a predominantly Black part of town – are celebrating their first full grocery store in over a decade. I'm having trouble celebrating finding crumbs in a food desert. We shouldn't have to live like this. We shouldn't have to die like this either.

If you care about racial justice and racial healing, I am asking you to do two things: Number 1, support reparations for the survivors and descendants of the Tulsa Race Massacre and bring reparations bill H.R. 40 to an immediate vote. Number 2, support ending qualified immunity as a part of any police reform legislation that leaves this House.

This nation's government - cannot sit on the sidelines as Mother Randle, Mother Fletcher, and Uncle Redd spend their twilight years fighting for justice 100 years after the massacre. Their health is dwindling as they demand reparations, fighting time and again to convince elected leaders to treat us like we matter.

I hope you see your loved ones in them. I hope you look past the division of politics and see their humanity. I hope you see why they're calling for reparations for the generational wealth, loved ones, memories and opportunities that have been stolen from them.

I know most of you believe in justice. All we're asking for in Tulsa and Black communities across the US is repair, respect and restitution. If Rebecca Brown Crutcher, Mother Randle, Mother Fletcher or Uncle Redd were a part of your family, you would want the same thing.

For them - I implore you to embody our nation's sacred promise of justice for all. Thank you.

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Mr. COHEN. Thank you, Dr. Crutcher.

[Applause.]

I am going to have to ask the next Witnesses to try to keep your testimony to 5 minutes. We have been most liberal, but we do have time constraints.

Our next Witness is Mr. T.W. Shannon. He is the Chief Executive Officer of the Chickasaw Community Bank. He previously served in the Oklahoma House of Representatives, where at the age of 34 he became the youngest speaker of the Oklahoma House of Representatives. He was both the first African American and the first Chickasaw speaker.

Mr. Shannon holds a J.D. from Oklahoma City University and a B.A. from Cameron University, a Harvard University Fellow, an Aspen Institute Fellow.

Mr. Shannon, you are recognized for 5 minutes.

STATEMENT OF T.W. SHANNON

Mr. SHANNON. Thank you, Chair Cohen, Ranking Member Johnson, and Members of the Subcommittee. I appreciate this opportunity to share this testimony regarding the adoption of House Resolution 398, recognizing the forthcoming centennial of the 1921 Tulsa Race Massacre.

While I am certainly thankful for the attention the resolution will bring to this reprehensible atrocity, much of the language leads me to suspect that there may be other motives for offering it. In my testimony today, I will express my disappointment that this sober occasion is being diluted by those who seek to further inflame racial divisions and foment animosity toward law enforcement.

First, let me focus on the event House Resolution 398 purports to commemorate. What is known today as the Tulsa Race Massacre occurred 100 years ago, and America should know of the brutality and atrocity of that day. History, however uncomfortable, should not be censored, nor in today's terms cancelled. History should be taught without political bias and without the intent to make any one group, gender, or ethnicity feel responsible for the sins of their ancestors.

I don't speak of American history as someone who is unfamiliar with our country's many struggles. Both of my parents were history teachers, and they grew up in a segregated America, a segregated Oklahoma. My father is a veteran and a retired history teacher. They both had their share of racial discrimination but rose above it and both became college graduates.

I learned not just from textbooks in schools, but from my parents their desire to educate me on a subject that they deeply love, Black history. In fact, it was my mother who first taught me about the Tulsa Race Riot, which is what it was called then.

The event, as described by my mother, didn't sound like much of a riot to me, at least not on the part of the Black community living in the Greenwood district. It sounded more like an invasion. Yes, she told me about the atrocities that this Subcommittee knows well—the looting and burning, the lynching and killing, the utter destruction of an entire community that left hundreds dead and thousands homeless.

She also taught me about the unparalleled prosperity of the Greenwood district. I can't describe to you how inspired I was by her stories of countless Black-owned businesses, all thriving in their segregated economic bubble, as a result and a symbol of modern capitalism.

My mother, who grew up an hour away from Greenwood in Muskogee, another town with a thriving Black middle class during that time, also celebrated the entrepreneurship that was a byproduct of the strong families of Greenwood. She took great pride in teaching me how the fruits of capitalism took root and blossomed so enormously that the community was terms "Black Wall Street."

The fact that the Black community in Greenwood was so successful really made the destruction all the more painful for me to imagine. All that prosperity, not even a full generation removed from slavery, completely wiped out. Hundreds of families mourning the death of someone they loved, thousands grieving a lost home or destroyed storefront. Many suffered all those things all at once.

This is the tragedy that should be our focus. Instead, I am concerned the resolution that was adopted by the majority promises to stoke racial tensions by equating White supremacy with police brutality. It accuses law enforcement of a pattern of violence against Black people in the United States and State-sanctioned violence.

This language, frankly, lands like a slap in the face to our honorable law enforcement officers and all who support them. As an American who appreciates the sacrifice and service of police officers across this country, I reject the false and divisive rhetoric found in parts of this resolution.

Mr. Chair and Members, House Resolution 398 may mark the 100th anniversary of the Tulsa Race Massacre, but it does not honor the victims of that tragic day by seeking to further inflame racial divisions. The memory of those who suffered is not honored by generating animosity toward police officers. The families who grieve loved ones, who lost livelihoods, those families are not honored by divisive rhetoric calculated to appease the opponents of law and order.

Instead, we honor those who suffered and died and families they left behind by simply telling the truth about what happened. We honor them by educating America about the tragic day. Above all, we can honor them by giving their descendants a land of freedom and opportunity. I can think of no greater way to honor the legacy of Black Wall Street than to foster a new generation of Black entrepreneurs and business owners, generating wealth and jobs that lift whole communities out of poverty. If the legacy of Greenwood teaches us anything, it is that, if we want strong communities and a strong nation, it first begins with strong families.

Mr. Chair, Ranking Member Johnson, and distinguished Members, I thank you once again for the opportunity to be here today and offer my testimony on this important topic.

[The statement of Mr. Shannon follows:]

Chairman Cohen, Ranking Member Johnson and Members of the Subcommittee, I appreciate the opportunity to share this testimony regarding the adoption of House Resolution 215 “Recognizing the Forthcoming Centennial of the 1921 Tulsa Race Massacre.”

While I am certainly thankful for the attention the resolution will bring to this reprehensible atrocity, much of the language leads me to suspect the authors have other motives for offering it. In my testimony today, I will express my disappointment that this somber occasion is being hijacked by those who seek to further inflame racial divisions and foment animosity toward law enforcement.

But first, let me focus on the event House Resolution 215 purports to commemorate. What is known today as the Tulsa Race Massacre occurred one hundred years ago, and America should know of the brutality and atrocity of that day.

History, however uncomfortable, should not be censored or, in today’s terms, “cancelled.” History should be taught without political bias and without the intent to make any one group, gender or ethnicity feel responsible for the sins of their ancestors.

I don’t speak of American history as someone who is unfamiliar with our Country’s many struggles. Both of my parents were history teachers. My father retired a history teacher.

I learned not just from textbooks in school, but from my parents’ desire to educate me on a subject they deeply loved. In fact it was my mother who first taught me about the Tulsa Race Riot, which is what it was called back then.

The event as described by my mother didn’t sound like much of a riot—at least not on the part of the Black Community living in the Greenwood District. It sounded more like an invasion.

Yes, she told me about the atrocities this Subcommittee knows well—the looting and burning, the lynching and killing, the utter destruction of an entire community that left hundreds dead and thousands homeless.

She also taught me about the unparalleled prosperity of the Greenwood District. I can’t describe to you how fascinated I was by her stories of countless Black-owned businesses, all thriving in their segregated economic bubble.

It was incredibly rare for me to know of a Black-owned business. And here my mother was telling me about a whole community of booming Black businesses so successful that they called it “Black Wall Street.” I truly marveled at the thought of it, and I still do.

The fact that the Black Community in Greenwood was so successful made their destruction all the more painful for me to imagine. All of that prosperity, not even a full generation removed from slavery, completely wiped out. Hundreds of families mourning the death of someone they loved. Thousands grieving a lost home or destroyed storefront. Many suffered all of those things in one horrible day.

This is the tragedy that should be our focus. Instead, the resolution adopted by the Majority promises to stoke racial tensions by equating White Supremacy with police brutality. It accuses law enforcement of “a pattern of violence against Black people in the United States.”

This language lands like a slap in the face to our honorable law enforcement officers and all who support them. As an American who appreciates the sacrifice and service of police officers across this Country, I reject the false and divisive rhetoric found in parts of this resolution.

Mr. Chairman and Members, House Resolution 215 may mark the 100th anniversary of the Tulsa Race Massacre, but it does not honor the victims of that tragic day by seeking to further inflame racial divisions.

The Resolution does not honor the memory of those who suffered by generating unwarranted animosity toward police officers. The families who grieved loved ones, who lost livelihoods—those families are not honored by divisive rhetoric calculated to appease the opponents of law and order.

If I may, Mr. Chairman and Members, I would like to suggest some things that I believe are appropriate ways to honor the victims of the Tulsa Race Massacre, and their descendants.

The first thing is simply to acknowledge what happened that day in 1921. For far too long, the atrocities of that day were minimized, dismissed, or outright denied. When it was finally acknowledged, the very name given to the tragedy implied a certain guilt. “The Tulsa Race Riot” sounds like a bunch of Black folk went wild and their white neighbors had to subdue them.

At least the name was a step toward acknowledgement. Oklahoma State Representative Don Ross served the Greenwood District for many years, and in 1997 he succeeded in creating a commission to study the tragic event.

Those of us in the Black community throughout Oklahoma knew much about what happened because our elders spoke of it. But Oklahoma as a whole, and the world at large, had never received a full and detailed account of the event. No official report existed. Aside from limited academic interest, and the oral history tradition of my culture, virtually no one knew of the Tulsa Race Massacre.

The world owes a debt of gratitude to Representative Ross for his work on this issue. The commission he created issued their report in 2001, and for the first time, there was an official account of that tragic day. There was recognition.

The details in that report contributed to widespread acknowledgement that what happened that day was not a riot of any kind—it was a massacre. Today, we honor the victims, their families and descendants by calling it what was. We honor them by acknowledging the truth of what happened.

Another way we honor the victims of this horrific attack is by promoting unity among Americans of all colors and creeds.

The Tulsa Race Massacre happened at a time in our history when Blacks and whites were divided in the most literal sense: Segregation. Many of those who were murdered that day were sons and daughters of slaves. The year 1921 was not far removed from the end of the Civil War.

I believe the policy of Segregation contributed in no small part to the violence and killing. The mob was not murdering people they lived next door to, or saw at the grocery store, or worshipped with at church. The literal division of Blacks and whites somehow made the atrocities easier to commit.

The same is true today across racial lines: division somehow makes violence easier to commit. While we don't have legal Segregation, we still have geographic Segregation. But most concerning to me is what I call Ideological Segregation.

Ideological Segregation is the result of social media platforms, web search companies, and other corporations who use our digital data and online habits to constantly reinforce our own views. Their algorithms are designed to show us what we want to see. Once they know what that is, they are programmed to show us more and more of it.

For the most part, Ideological Segregation is voluntary. We like our Twitter feeds just the way they are. We choose our "friends" on Facebook and decided if we want to consume their opinions or not.

If someone says something that others disagree with too strongly, their free speech rights can be revoked. Their families can be harassed. Their job can be taken. In extreme instances, ideological divisions can lead to actual violence. We witnessed a tragic example of that when a radical supporter of a radical politician attempted to murder Republican Congressman on a baseball field not far from this building.

I believe that one of the best ways to honor the victims of the Tulsa Race Massacre is by promoting racial unity. One of the best ways to do that, in my opinion, is by refraining from rhetoric and actions that inflame racial divisions. House Resolution 215 fails in this regard.

And finally, I believe there is no greater way to honor those who suffered and died in Greenwood than by providing a land of opportunity for their descendants. [continue with these theme and then close]

Thank you for allowing me to testify today on this important topic. I will be happy to answer any questions at the appropriate time.

Mr. COHEN. Thank you, Mr. Shannon. As the former speaker, you recognize that time is important. Thank you for your testimony.

Mr. Clarence Henderson, who I believe is going to be virtual, is our next Witness. He is the national spokesman for the Frederick Douglass Foundation. He was a participant in the sit-in protest at the Woolworth lunch counter in Greensboro, North Carolina, in 1960. He also served on the Advisory Board for Black Voices for Trump.

Mr. Henderson, you are recognized for 5 minutes.

STATEMENT OF CLARENCE HENDERSON

Mr. HENDERSON. Thank you. It is, indeed, an honor to be a Witness before this Subcommittee.

The previous testimony brought tears to my eyes from Mother Randle, Uncle Red, and Mother Fletcher. The 1921 Tulsa Race Riot was a dark and horrific time in America's history and should be recognized as such. It was a massacre that is virtually unmatched in the recording of history in America and should be acknowledged and recognized by Congress, so that history does not repeat itself.

This is one of the great lessons of history that shows us of the past divide of America. It is an American past and not an American present. If we study American history in chronological order, we will see that our progress has not been a straight line. There have been detours. Nevertheless, we see the progress that has been made.

We see the ratification of the 13th–15th, and also, the 19th Amendment. If we look further, we see the various civil rights acts that have been implemented to recognize that we should judge people by their character and not the color of their skin. We see laws in place dedicated to the self-evident truth that is God-ordained, that we all are created equal.

In every instance where Blacks have prospered and succeeded to the heights of business, academia, politics, and more, it has been accomplished not because the government threw money at perceived problems, but because our will to succeed was given the freedom to break down boundaries and remove obstacles.

Given the atrocity of the Tulsa Race Massacre with lives, homes, businesses, and millions of dollars of Black wealth destroyed, as well as mass incarceration, the Trump Administration enacted policies that focused on building up the Black communities. The conservative policies instituted during the Trump Administration—namely, the First Step Act, funding for HBCUs, Opportunity Zones, and a \$5 billion Platinum Plan—is diametrically opposed with what occurred in 1921. Such policies led to a free market, options in education, lower taxes, entrepreneurialism, and the freedom to choose one's own path—a true attempt to level the playing field for Black America and restore some wealth that had been destroyed.

Unfortunately, like what occurred in Tulsa, some would like to effectively erase from collective memory the strides made to improve the Black community under the previous Administration. As Frederick Douglass stated, “The life of a Nation is secure only while the Nation is honest, truthful, and virtuous.”

When I look at our country today, I see a Nation that has chosen to be governed by the Rule of law and not the Rule of man. The United States is great not because it is perfect. I don't see systemic racism. I see systemic corruption. Yes, our past involved racial injustices. Yes, racism does exist. Yes, socioeconomic issues plague many of our communities. It is great, however, because of the freedom that all Americans have, bestowed onto us by our Constitution, which gives us the ability to improve on our imperfections, to evolve from our past mistakes, and to get as close to true equality in comparison to anywhere else in the world.

I hope this resolution is used to recognize a horrific past injustice, so that it is not repeated, and not used as a political tool to promote systemic racism. I hope this resolution is not used as a political tool to cause legal enforcement law to cease and desist. I hope this resolution will not be used to politicize every facet of the nation's racial diversity for political gain, to further exploit and emotionally cripple the Black community.

As a participant in the 1960 Woolworth's sit-in movement, I recognize freedom is not free. There is a price to be paid and it is continuous.

Thank you.

[The statement of Mr. Henderson follows:]

COVER PAGE

Clarence Henderson
National Spokesman for the Frederick Douglass Foundation
May 19, 2021
Hearing Title: Continuing Injustice: The Centennial of the Tulsa-Greenwood
Race Massacre

Testimony of Clarence Henderson regarding the 1921 Tulsa-Greenwood Race Massacre

The 1921 Tulsa race riot was a dark and horrific time in America's history and should be recognized as such. It was a massacre that is virtually unmatched in the recording of history in America and should be acknowledged and recognized by Congress so that history does not repeat itself.

This is one of the great lessons of history that shows us of the past divide of America. It is an American past and not an American present. If we study American history in chronological order, we will see that our progress has not been a straight line, there have been detours.

Nevertheless, we see the progress that has been made. We see the ratification of the 13th, 14th, 15th and also the 19th Amendment. If we look further, we see the various Civil Rights Acts that have been implemented to recognize that we should judge people by their character and not the color of their skin. We see laws in place dedicated to the self-evident truth that it is God ordained that we are all created equal.

In every instance, where blacks have prospered and succeeded to the heights of business, academia, politics and more, it has been accomplished not because government threw money at perceived problems, but because our will to succeed was given the freedom to break down boundaries, and remove obstacles.

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As a participant in the 1960 Woolworth Sit-in Movement, I recognize freedom is not free, there is a price to be paid and it is continuous.

Mr. COHEN. Thank you, Mr. Henderson.

Our next Witness is Chief Egunwale Amusan. He is the President of the African Ancestral Society, a nonprofit organization based in Tulsa, Oklahoma. He is a descendant of the Tulsa-Greenwood Massacre. He is the leading activist on behalf of massacre descendants.

Chief, you are recognized for 5 minutes.

STATEMENT OF CHIEF EGUNWALE AMUSAN

Mr. AMUSAN. Thank you, Mr. Chair and esteemed body.

My name is Chief Egunwale Amusan. I am the grandson of Raymond Beard, Sr., and the grandnephew of Matthew and Mary Beard, all whom were survivors of the 1921 Tulsa holocaust, massacre, or any other matching descriptor.

I was born and raised in Tulsa, Oklahoma. Today, I speak on behalf of those whose remains were dumped carelessly into the Arkansas River by the truckloads; those remains that cracked the concrete from beneath the highway built over them; those remains dumped in mass graves, like the one I stood in October of 2020 during the mass grave investigation at Oaklawn Cemetery in Tulsa.

As a Member of the Mass Graves Oversight Committee, I stood in that trench with 12 coffins we uncovered. I couldn't help but to be drawn to a smaller box, which appeared to be the size of woman's hat box. It triggered the memory of something I had read in the Race Riot Commission report in 2001.

I rushed home to look at that document again, and it stated that the remains in the trench were not embalmed, and the death certificates were not even signed by a medical examiner, a process undignified in every manner. The document stated that Tulsa County paid Stanley McCune Funeral Home to bury 16 bodies in the city cemetery. The report states that 4 of the 16 bodies placed in the mass grave were badly burned and one was that of a stillborn baby.

When I returned, I looked again at the box in the trench. I walked away and wept for the soul of this child and the mother who would never know the whereabouts of her child, lost both in the womb and in the earth.

Our family's journey to Greenwood actually started 139 years ago when my children's fourth great-grandfather named King Blue co-wrote a letter submitted to Congress and the House of Representatives, just as I am doing today. King Blue was the former slave of the Chickasaw tribal leader Benjamin Colbert. He and other tribal representatives presented a document in 1882 called the Memorial of the Chickasaw Freedmen.

The intent of this appeal was to encourage the enforcement of the 1866 treaty that obliges the tribe to carry out the stipulations of the third clause which states, "The monies given by the Federal government to the tribe requires the tribe to grant freed persons of African descent all the rights, privileges, and immunities, including the right of suffrage." The Chickasaw Nation refused to honor the treaty. So, my relatives were nationless for 40 years, until 1902, when, through an Act of Congress, thousands of forgotten

enslaved Africans were made citizens of the United States of America.

Around that time, my freedmen ancestors and those of my spouse migrated to Tulsa's Greenwood district. Greenwood brought a new sense of self-determination, restored dignity, one that would be short-lived, and the dreamland of Tulsa will become a nightmare. In just a few decades, my ancestors would experience enslavement, false freedom, Jim Crow, and a holocaust that would be hidden from the pages of history for 100 years.

Fast forward, it wasn't until 1997 that I became deeply aware of the Tulsa holocaust and its implications. However, I remained unaware of my family's involvement until my grandfather became a plaintiff in the reparation suit of 2003. I felt a full range of emotions and unanswered questions. Today, I regret that I asked so many questions because I was unaware of the trauma that I was invoking.

The long-term implications of the Tulsa holocaust in urban renewal can physically be seen today. This is not a matter of past trauma; it is concurrent. It is concurrent trauma. The long-term implications, again, of this holocaust can be seen physically today.

The plot to destroy the Black township of Greenwood was not a spontaneous Act caused by a rumor in an elevator. It was premeditated as well as racially and politically motivated. Many who discover the story of Greenwood cannot believe such a place was built, nor can they believe that this type of terrorism happened on American soil, on domestic soil.

The violation of the 14th amendment was not the result of a crazed mob. This was a city-sanctioned violation. The event resulted in the deprivation of life, liberty, property without due process of law, as well as the failure to provide equal protection of the law.

Greenwood was a cultural, social, and economic incubator, an environment that provided apprenticeship and other high standards. It is economic, political, and social stability. Most importantly, it provided a safe place to finally heal and detox individually and collectively from the effects of post-trauma slave syndrome.

According to the 2019 story in *The Harvard Gazette*, the property damage in today's numbers were estimated to be as high as \$200 million. The highest form of devastation was the mental suffering that resulted in high rates of PTSD and other forms of psychological morbidity, such as depression, anxiety, and homelessness.

Many of those who speak of Greenwood often reference the resilience of Greenwood's inhabitants because they rebuilt much of the district by 1925.

I am winding down.

As remarkable as it is, only an estimated 40 percent of those original inhabitants actually returned to Greenwood. My grandfather's eldest siblings were his caretakers. Both disappeared after the massacre, never to return. Their home and laundry business were burned to ashes. We later discovered that my Great Uncle Matthew Beard fled to Los Angeles, where he and his wife changed their first names to conceal their identity.

One cannot imagine the trauma of not knowing if a family member is dead or alive. Now, I understand why my grandfather always said, "No news is good news."

My grandfather would return to Greenwood in the 1940s to see it destroyed again in urban renewal.

This is my last paragraph.

In 2003, my grandfather passed away a few months after becoming a plaintiff in the reparations' lawsuit filed by Johnnie Cochran and Charles Ogletree. According to the Supreme Court, this case would not be heard because the statute of limitations had run out.

Today, the same city responsible for the crimes of 1921 are leveraging the suffering of three living survivors and their descendants in the name of tourism. When I look my oldest son in the eyes, I wonder if the charred baton of justice will burn in the palms of his hands, or will it be cleansed and cooled in the river of restitution?

[The statement of Mr. Amusan follows:]

Name: Egunwale Amusan
Title: Chief President
Date: 5/17/21
Hearing: Continuing
Injustice: The Centennial of
the Tulsa-Greenwood Race
Massacre

My name is Chief Egunwale Amusan. I am the grandson of Raymond Beard Sr, and the grandnephew of Matthew and Mary Beard, all of whom were survivors of the 1921 Tulsa Holocaust, massacre, or any other matching descriptor. I was born and raised in Tulsa, Oklahoma. Today I speak on behalf of those whose remains were dumped carelessly into the Arkansas river by the truckloads, those remains that crack the concrete from beneath the highway built over them, and those remains dumped in mass graves like the one in which I stood in October 2020 during the mass grave investigation at Oaklawn cemetery in Tulsa.

As a member of the Mass Graves Oversight Committee, I stood in that trench with the 12 coffins we uncovered. I couldn't help but to be drawn a smaller box which appeared to be the size of a woman's hat box. It triggered the memory of something I had read in the race riot commission report of 2001. I rushed home to look again at the document. It stated that the remains in this trench were not embalmed and the death certificates were not even signed by a medical examiner. A process undignified in every manner. The document stated that Tulsa County paid Stanley McCune Funeral Home to bury 16 bodies in the city cemetery. The report states that 4 of the 16 bodies placed in the mass grave were badly burned, and one was that of a stillborn baby.

When I returned, I looked again at the box in that trench. I walked away and wept for the soul of this child and the mother who would never know the whereabouts of her child lost both in the womb and in the earth.

Our family's journey to Greenwood actually started one hundred and thirty-nine years ago when my children's 4th great grandfather named King Blue cowrote a letter submitted to Congress and the House of Representatives just as I am doing today. King Blue was the former slave of the Chickasaw tribal leader Benjamin Colbert. He and other tribal representatives presented a document in 1882 called "The Memorial of the Chickasaw Freedmen."

The intent of this appeal was to encourage the enforcement of the 1866 treaty that obliges the tribe to carry out the stipulations of the 3rd clause, which states that monies given by the federal government to the tribe requires the tribe to grant Freed persons of African descent all the rights privileges, and immunities—including the right of suffrage. The Chickasaw Tribe refused to honor the treaty, so my relatives were nationless for 40 years until 1902 when, through an act of congress, thousands of forgotten enslaved Africans were made citizens of the United States of America. Around that time, my Freedman ancestors and those of my spouse began to migrate to Tulsa's Greenwood District. Greenwood brought a new sense of self-determination and restored dignity; that dignity would be short lived, and the dreamland of Tulsa would become a nightmare. In just a few decades, my ancestors would experience enslavement, false freedom,

Jim Crow, and a holocaust that would be hidden from the pages of history for next 100 years.

Fast forward: it wasn't until 1997 that I became deeply aware of the Tulsa Holocaust and its implications. However, I remained unaware of my family's involvement until my grandfather became a plaintiff in the reparation's suit of 2003. I felt a full range of emotions, and so many unanswered questions. Regretfully, I was oblivious to the trauma that I was evoking with all my questioning.

The long-term implications of the Tulsa Holocaust and urban renewal can be physically seen today. This is not a matter of past traumas but concurrent traumatic experiences. The plot to destroy the black township of Greenwood was not a spontaneous act caused by a rumor in an elevator. It was premeditated, as well as racially and politically motivated. Many who discover the story of Greenwood cannot believe such a remarkable place was built, sustained, and financed by Black people, nor can they believe that such an act of mass terrorism against American citizens occurred right here on American soil. The violation of the 14th Amendment was NOT the result of some crazed mob. This was a city-sanctioned violation. The event resulted in the deprivation of life, liberty, and property, without due process of law, as well as the failure to provide equal protection of the laws.

Greenwood was a cultural, social, and economic incubator. An environment that provided apprenticeship and high cultural standards; it offered economic, political, and social stability. Most importantly it provided a safe place to finally heal and detoxify individually and collectively from the effects of "post traumatic slave syndrome," a term coined by the clinical psychologist Dr. Joy Degruy. According to a 2019 story in the *Harvard Gazette*, the property damage in today's numbers were estimated to be as high as 200 million dollars. The highest form of devastation was the mental suffering that resulted in high rates of PTSD and other forms of psychological morbidity such as depression, anxiety, and hopelessness.

Many of those who speak of Greenwood often reference the resilience of Greenwood's inhabitants because they rebuilt much of the district by 1925. As remarkable as it is, only an estimated 40 percent of those original inhabitants returned to Greenwood. My grandfather's elder siblings were his caregivers; both disappeared after the massacre never to return. Their home and laundry business was burned to ashes. We later discovered that my great uncle Matthew Beard fled to Los Angeles where he and his wife changed their first names to conceal their identity. One cannot imagine the trauma of not knowing if a family member is dead or alive. Now I understand why my grandfather often said, "no

news is good news.” My grandfather would return to Greenwood in the 1940’s only to see it destroyed again during urban renewal.

In 2003, my grandfather passed away a few months after becoming a plaintiff in the reparations lawsuit filed by Johnnie Cochran and Charles Ogletree. According to the Supreme Court, this case could not be heard since the statute of limitations had run its course. Today, the same city responsible for the crimes of 1921 is leveraging the suffering of the 3 living survivors and their descendants in the name of tourism. When I look my eldest son in the eyes, I wonder if the charred baton of justice will burn the palms of his hands, or if it will be cleansed and cooled in the river of restitution. I pray that 100 years from now his offspring will not be appealing to congress for justice denied, but instead applauding congress as we commemorate the 200th Centennial of the Tulsa Holocaust of 1921.

Tulsa, Oklahoma is H.R. 40

Bio: Chief Egunwale Amusan

Consultant and History Recovery Specialist Chief Egunwale Amusan is a highly sought-after expert regarding the history of Greenwood. As a key influencer in the Black Wall Street movement, Amusan serves as Adviser to the Black Wall Street Chamber of Commerce and is the founder of the Black Wall Street Memorial March which has been active for the past 24 years in its mission is to preserve the history of Greenwood. He is the co-founder and Owner of The Real Black Wall Street Tour.

Chief Amusan is a board member at the Center of Public Secrets and a member of the Tulsa Remembrance Coalition, working in Partnership with Bryan Stevenson and the Equal Justice Initiative Soil Collection Project. He is a consultant for writer producer film maker Tricia Woodgett and writer/director Darnell Martin.

Chief Amusan is also a certified Traditional Ancestral Chief (title bestowed in Abeokuta, Nigeria). He is the President of the African Ancestral Society with members in Oklahoma, Dallas, Houston, Louisiana, and Kentucky. The Society has a social justice arm that works closely with the Terence Crutcher Foundation, HRW (Human Rights Watch), ACLU (American Civil Liberties Union), and LDF (Legal Defense and Educational Fund).

Mr. COHEN. Thank you, sir. We appreciate your testimony and your work.

[Applause.]

Our next Witness is Dreisen Health. She is a research advocate at the U.S. Program of Human Rights Watch. She is an expert on reparations and reparatory justice and has authored reports and publications highlighting victims' rights to seek full and effective reparations that are proportional to the gravity of the human rights violations at issue, including acts of racial discrimination, as dictated by international human rights law. Previously testified before us on H.R. 40 in February. She had received a bachelor's degree from Wesleyan University.

Ms. Heath, you are recognized for 5 minutes.

STATEMENT OF DREISEN HEATH

Ms. HEATH. On behalf of Human Rights Watch, it is an honor to be here today. Thank you to Chair Cohen, Ranking Member Johnson, and the Subcommittee, for this opportunity to testify at such a critical time in our nation's history, nearly 100 years since the 1921 Tulsa Race Massacre.

I am a Tulsa native, born in Tulsa just miles down from the historic Greenwood district, where my young parents settled for several years among the loving and nurturing Black community that was still reeling from the White supremacist domestic terrorism that defined their lives forever.

Growing up, I would hear stories from my parents describing the stark differences between neighborhoods in north Tulsa versus south Tulsa, the disappearance of Black Wall Street, and the constant fear that came with walking the same streets as the KKK. Black community members shared oral histories with them about the aftermath of the massacre. Many said that they never knew where their neighbors went and never heard from them ever again.

I later learned that, after the massacre, Tulsa city officials promised full restitution and reparations to Black Tulsans, but, instead, turned their backs on them and worked to block financial contributions, including medical help, preventing rebuilding efforts, and even ordering Black Tulsans into poor conditions in concentration camps. No one was ever charged with a crime the violence or compensated for the loss of life and economic devastation.

I never imagined that what would eventually bring me back to Tulsa would be the continuation of the massacre and the degradation of Black life. The research of Human Rights Watch brought me back home, and not because Tulsa's Greenwood district was restored to the prosperous Black economic hub it once was, but because abusive and unchecked police violence, a legacy of slavery, and the massacre stole the lives of Terence Crutcher, Joshua Harvey, Joshua Barre, and many others.

According to our research, police violence in Tulsa occurs in the broader context of poverty, racial inequality, and the deprivation of key human rights. Because of the impacts of destructive anti-Black policies, like redlining, urban renewal, and highway construction, Tulsa today remains deeply segregated, and Black neighborhoods are underdeveloped and under-resourced, especially in north Tulsa. Black Tulsans live less than their White counterparts, have higher

rates of infant mortality, and lower medians of wealth. Today's historic Greenwood district is just a couple of square blocks showing growing signs of gentrification and displacement.

So, you see, time has not healed all wounds in Tulsa. Over the past 100 years, thousands of survivors and their descendants have died awaiting justice. The legacy of the massacre remains a bloody stain that will continue to define this country until reparations are paid.

Under international human rights law, the city of Tulsa and the State of Oklahoma have a responsibility to provide full and effective reparations that is proportional to the gravity of crimes committed, as recommended in our May 2020 report. Reparations must be paid immediately to the three known living survivors of the massacre—Mother Randle, Mother Fletcher, and Mr. Van Ellis—to the descendants of massacre victims, and to the broader Black community that has not seen intergenerational wealth and economic opportunity. If we can't fully account for one of the worst incidents of racial violence in the United States, then who are we as a people and what does this country actually stand for?

The plight of Black Tulsans is not their own will to survive, but the government's unwillingness to fully support their survival. There is a clear call for what is right and what is just, and that call is for comprehensive reparations, determined by impact to community members at all levels for which harm has occurred.

Tulsa's Black community is not celebrating the centennial of the massacre. They are mourning the loss of their community and the loss of opportunity. By passing H.R. 40, the Commission to Study and Develop Reparation Proposal for African Americans Act, and by ministering full remedy at the Federal, State, and local level for the Tulsa Race Massacre and its continuing impacts, this country can finally recognize the full humanity of Black Tulsans and avoid perpetuating human suffering indefinitely.

Thank you.

[The statement of Ms. Heath follows:]



HRW.org

Written Testimony of:

Dreisen Heath
Researcher and Advocate on Racial Justice, US Program
Human Rights Watch

Submitted to the
US House Committee on the Judiciary
Subcommittee on the Constitution, Civil Rights, and Civil Liberties

For a Hearing on:

“Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre”

May 19, 2021

On behalf of Human Rights Watch, I thank Chairman Nadler and Ranking Member Jordan of the US House Committee on the Judiciary and Chairman Cohen and Ranking Member Johnson of the Subcommittee on the Constitution, Civil Rights and Civil Liberties, for the opportunity to submit this statement for a hearing to address the *Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre*. My name is Dreisen Heath and I am a researcher and advocate on racial justice issues, with an expertise in reparative justice, within the United States Program at Human Rights Watch. I am also the author of Human Rights Watch's May 2020 report entitled "The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument."

Human Rights Watch is a non-profit, independent organization that investigates allegations of human rights violations in more than 100 countries around the world, including in the United States, by interviewing victims and witnesses, gathering information from a variety of sources, and issuing detailed reports. Where human rights violations have been found, Human Rights Watch advocates for redress, accountability, and changes to laws, policies, and practices with authorities to better protect human rights, and mobilizes public pressure for change. Its US Program works on human rights issues within the United States, with a strong focus on racial justice.

Reparations Are Owed to Tulsa Massacre Victims, Descendants & Broader Black Community

The 1921 Tulsa race massacre, one of the worst incidents of racial violence in the US, occurred in a broader context of racist violence and oppression stemming from slavery, which continues to impact Black people in Tulsa today.¹ In just hours, between May 31 and June 1, 1921, decades of Black prosperity and millions of dollars in hard-earned Black wealth were wiped out by a violent white mob, some deputized by local Tulsa officials.²

In the Human Rights Watch report "The Case for Reparations in Tulsa, Oklahoma," I detailed the massacre, failure to prosecute anyone for the violence, and subsequent destruction that left hundreds Black people dead and more than 1,200 Black-owned houses burned to the ground in Tulsa's Greenwood neighborhood, then known as "Black Wall Street." The report described how the city thwarted attempts to rebuild and how subsequent discriminatory federal, state, and local policies, such as redlining, the use of eminent domain, and other measures to seize Black-owned property, and highway construction, prevented Greenwood and the broader North Tulsa community from advancing.

Human Rights Watch called on Tulsa and Oklahoma governments to provide immediate reparations, including direct payments, to the few surviving massacre victims, and recover and identify remains that may be in mass graves.³ We also called on them to develop a comprehensive reparations plan in close consultation with the local Black community for the harm caused by the massacre and its lasting impact, not only on the direct victims and their descendants, but also the Black community in Tulsa more broadly; that plan should include

¹ Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma*, (New York: Human Rights Watch, 2020), https://www.hrw.org/sites/default/files/media_2020/11/tulsa-reparations0520_web.pdf.

² *Ibid.*, p. 5.

³ Dreisen Heath, "Tulsa Searches for Mass Graves from 1921 Tulsa Race Massacre," Human Rights Watch dispatch, July 14, 2020, <https://www.hrw.org/news/2020/07/14/tulsa-searches-mass-graves-1921-race-massacre>.

compensation for the descendants of victims.⁴ We called on federal and state authorities to lift legal barriers to civil legal claims related to the massacre.

One hundred years after the massacre, its known survivors (Lessie Benningfield Randle, Viola Fletcher, and Hughes Van Ellis), descendants of massacre victims, and the broader Black community in Tulsa are still reeling from its compounded impacts. Despite increasing awareness of the massacre's impacts and growing calls for reparations, city and state authorities have not done enough to adequately and fully repair past and ongoing harms that affect Tulsa's Black community.

For more details on the Tulsa race massacre and the requirement for reparations, please find a copy of our report attached as Appendix A.

The Right to an Effective Remedy and Reparation Under International Human Rights Law

On September 1, 2020, after seeing decades of inaction on reparations, a legal team that is part of the organization Justice for Greenwood, filed a lawsuit against the city of Tulsa and others that includes as plaintiffs the three remaining known survivors of the Tulsa race massacre—Lessie Benningfield Randle, 106 years old, Viola Fletcher, 107 years old, and Hughes Van Ellis, 100 years old—as well as some descendants of victims of the massacre.⁵ The suit seeks compensation for the losses they endured as a result of the massacre as well as ongoing harm connected to it.

However, victims of gross violations of human rights, like the Tulsa race massacre, should not have to file a lawsuit to receive full and effective reparations that are proportional to the gravity of the violation and the harm suffered. According to the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence: “Domestic reparation [programs] are the most effective tool for victims of gross human rights violations and serious violations of humanitarian law to receive reparation. Without them, victims would have to prove their status in a court of law, including by providing all the necessary evidence, pay the expensive costs of litigation, and wait several years before their claim is, if at all, successful.”⁶

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Both core international human rights treaties guarantee the right to an effective remedy for human rights violations, including acts of racial discrimination.⁷ This right requires that

⁴ Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma*, p. 61 – 66.

⁵ Amended Complaint, *Benningfield Randle, Lessie vs. City of Tulsa*, Tulsa County District Court, filed February 2, 2021, case no. CV-2020-1179, https://7f71937d-3875-4a5d-8642-bfb10d690e0f.filesusr.com/ugd/7b82e9_6f2ce917ef5b4ff7aaa1b0fcf282cc2a.pdf

⁶ United Nations General Assembly, Report of UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, prepared pursuant to UN Human Rights Council resolution 36/7, July 11, 2019, <https://undocs.org/en/A/HRC/42/45>, para. 32.

⁷ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March

governments ensure access to justice, truthful information about the violation, and reparation.⁸ Victims of gross violations of human rights, like the Tulsa race massacre, should receive full and effective reparations that are proportional to the gravity of the violation and the cumulative harm suffered.⁹

Reparation, as defined by international human rights standards, includes the following forms:

- *Restitution*: measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.¹⁰
- *Compensation*: monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.¹¹
- *Rehabilitation*: provision of “medical and psychological care as well as legal and social services.”¹²
- *Satisfaction*: includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, preservation of historical memory, and expressions of regret or formal apology for wrongdoing.¹³
- *Guarantees of non-repetition*: includes institutional and legal reform as well as reforms to government practices to end the abuse.¹⁴

Reparation Measures Require Direct and Ongoing Community Consultation

Reparations require a victim-centered approach. The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has said that “domestic reparation [programs] should include adequate consultation with and participation of victims in their design, implementation and monitoring processes.”¹⁵ Victims seeking comprehensive remedy, including descendants, should have an opportunity to shape reparations measures to ensure the reparation program’s “completeness” and the success of victims’ participation mechanisms

23, 1976, ratified by the United States September 8, 1992, art. 2; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by the United States November 20, 1994, art. 6. UN Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation on States Parties to the Covenant (Eightieth session, 2004), U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15.

⁸ UN Human Rights Committee, General Comment No. 31, paras 15 et seq; Basic Principles, para. 11.

⁹ “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” UN General Assembly Resolution 60/147 of 16 December 2005, <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx>, (hereinafter “Basic Principles”), para. 18.

¹⁰ Basic Principles, para. 19.

¹¹ Basic Principles, para. 20.

¹² Basic Principles, para. 21.

¹³ Basic Principles, para. 22.

¹⁴ Basic Principles, para. 23.

¹⁵ United Nations General Assembly, Report of UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, prepared pursuant to UN Human Rights Council resolution 36/7, July 11, 2019, <https://undocs.org/en/A/HRC/42/45>, para. 61.

should be “measured not merely in terms of token measures but also in terms of satisfactory outcomes.”¹⁶ Seeking victims’ participation thus requires “effective outreach, information, and access,”¹⁷ which may be aided by community organizations that have “closer links with and a deeper reach into victims’ communities than official institutions.”¹⁸

Tulsa and the Need for Federal Reparations

What happened in Tulsa is not an anomaly. The people killed in the 1921 Tulsa race massacre were only some of the thousands of people killed in racial terror lynchings that took place in the United States between the end of Reconstruction in 1877 and 1950. According to a report by the Equal Justice Initiative (EJI), an estimated 4,300 racial terror lynchings took place during that time,¹⁹ including those that occurred during the 1921 Tulsa race massacre.²⁰ In the year 1919 alone, more than two dozen different incidents of racially motivated violence took place, including in Chicago, Illinois; Washington, DC; Knoxville, Tennessee; and Elaine, Arkansas.²¹

Across the US, federal, state, and local policy decisions in the 20th and 21st centuries, such as redlining²² and urban renewal,²³ further contributed to structural racism in infrastructure and the creation of present day economic, education, employment, and health inequalities, as well as housing segregation. They also contributed to the expansion of discriminatory and abusive policing and criminal legal systems that preserve unequal power structures and that still exist today.

In Tulsa, anti-Black policies, many of them stemming from federal programs, ongoing structural racism, and the government’s inadequate response to the massacre, have contributed to deep racial disparities in multiple areas, from access to health and nutritious food to education in Tulsa

¹⁶ United Nations General Assembly, Report of UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, prepared pursuant to UN Human Rights Council resolution 18/7, October 14, 2014, <https://undocs.org/en/A/69/518>, para. 74 – 80.

¹⁷ *Ibid.*, para. 76.

¹⁸ *Ibid.*, para. 74.

¹⁹ The Equal Justice Initiative, “Lynching in America: Confronting the Legacy of Racial Terror,” p. 4.

²⁰ *Ibid.*, p. 46. When counting the number of Black people killed during the Tulsa Race Massacre and adding that to the total number of “racial terror lynchings,” during this period, the EJI report uses the number 36. But it notes in its report that “at least 36,” had died and that the number varies greatly among sources from 36 to 300. See “Lynching in America: Oklahoma,” Equal Justice Initiative, <https://lynchinginamerica.eji.org/explore/oklahoma>, and *Ibid.*, p. 46, n. 188.

²¹ “A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921,” (hereinafter “Tulsa Race Riot Report”), February 28, 2001, <https://www.okhistory.org/research/forms/freport.pdf>, p. 43; see also Hannibal B. Johnson, *Black Wall Street: From Riot to Renaissance in Tulsa’s Historic Greenwood District* (Fort Worth: Eakin Press, 2007), p. 27-28; Zinn Ed Project, “Red Summer,” <https://www.zinnproject.org/collection/red-summer/>.

²² Andre M. Perry and David Harshbarger, “America’s formerly redlined neighborhoods have changed, and so must solutions to rectify them,” *Brookings Institute*, October 14, 2019, <https://www.brookings.edu/research/americas-formerly-redlines-areas-changed-so-must-solutions/>.

²³ Katherine Schwab, “The Racist Roots Of ‘Urban Renewal’ And How It Made Cities Less Equal,” *Fast Company*, January 4, 2018, <https://www.fastcompany.com/90155955/the-racist-roots-of-urban-renewal-and-how-it-made-cities-less-equal>.

today.²⁴ Such disparities are also deeply rooted in the US history of slavery.

In Tulsa today, Black neighborhoods remain underdeveloped and under-resourced. Large percentages of Black people live in North Tulsa, usually defined as the region above the 244 Freeway and Admiral Boulevard, which is significantly poorer than other parts of the city and includes the historic Greenwood district.

According to a 2019 Human Rights Watch analysis,²⁵ more than 35 percent of North Tulsa's population lives in poverty compared with 17 percent in the rest of the city, though in some census tracts in North Tulsa it is even higher, with 63.7 percent of residents living in poverty. Citywide, the Black poverty rate is 34 percent while the white poverty rate is 13 percent.

In addition to experiencing significant poverty, Black Tulsans, especially in North Tulsa, experience high unemployment, meager economic development, and segregated schools. Overaggressive policing further fuels the poverty.

Black people are subjected to more aggressive policing than white people in Tulsa. The rate with which police use physical force against Black people in Tulsa is 2.7 times greater than the rate used against white people on a per capita basis.²⁶ While making up about 17 percent of Tulsa's population, Black people are subject to almost 40 percent of police violence.²⁷

Human Rights Watch has long been supportive of the development of broader reparations plans to account for the brutality of slavery and historic racist laws that set different rules for Black and white people.²⁸ Accordingly, Human Rights Watch supports US House Resolution 40 (H.R. 40), a federal bill to establish a commission to examine the impacts of the transatlantic slave trade and subsequent racial and economic discriminatory institutions, laws, and practices.²⁹ The US government has never adequately accounted for these wrongs or the subsequent 20th and 21st century policy decisions that have perpetuated structural racism to this day, but it has an opportunity to begin to do so through the establishment of an H.R. 40 reparations commission. H.R. 40 has been circulating in Congress for over 30 years but recently gained renewed momentum given a growing public understanding about the harms of slavery and its continuing

²⁴ Ibid., p. 20-36.

²⁵ Brian Root, "Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma," date interactive, September 11, 2019, <https://www.hrw.org/video-photos/interactive/2019/09/11/policing-poverty-and-racial-inequality-tulsa-oklahoma>; "Get on the Ground!": *Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma: A Case Study of US Law Enforcement*, (New York: Human Rights Watch, 2019), https://www.hrw.org/sites/default/files/report_pdf/us0919_tulsa_web.pdf.

²⁶ "Get on the Ground!," p. 129.

²⁷ Ibid.

²⁸ Dreisen Heath, "US Congress Can Help Heal the Wounds of Slavery," Human Rights Watch dispatch, June 19, 2019 <https://www.hrw.org/news/2019/06/19/us-congress-can-help-heal-wounds-slavery>; United Nations, "Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance," <https://www.un.org/WCAR/durban.pdf>

²⁹ Human Rights Watch Written Testimony of Dreisen Heath Submitted to the US House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, "H.R. 40: Exploring the Path to Reparative Justice in America," February 17, 2021, <https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america>

impact today. The bill has garnered 185 co-sponsors in the House this Congress;³⁰ a companion bill in the Senate, S. 40, has 21 co-sponsors.³¹

US policymakers' failure to account for the historic racial and gendered injustices of slavery and its legacy has compounded the harm and fueled the persistence of racial inequality today, as evident in Tulsa and many other cities across the US. Enduring racist structures remain in place³² and accumulated racial discrimination has gone unaddressed.³³ Despite a shift in racial attitudes, civil rights-era legislation from the 1960s did not adequately address the core of systemic racism and resulting racial equity gaps.³⁴ A holistic inquiry into these injustices and the ways subsequent policy has created and reinforced structures and systems that have prevented Black people from advancing is urgently needed, as is a plan to provide reparation and healing for these harms. If Congress were to pass H.R. 40 it would be the first meaningful step toward this reparation, which is essential if we are to seriously address white supremacy, systemic racism, and racial inequality in the United States.

Thank you for the opportunity to testify before you today.

³⁰ Commission to Study and Develop Reparation Proposals for African-Americans Act, H.R. 40, 117th Cong. (2020), <https://www.congress.gov/bill/117th-congress/house-bill/40/cosponsors?searchResultViewType=expanded>

³¹ Commission to Study and Develop Reparation Proposals for African-Americans Act, S. 40, 117th Cong. (2020), <https://www.congress.gov/bill/117th-congress/senate-bill/40/cosponsors?searchResultViewType=expanded>

³² Frank W. Munger and Carol Seron, "Race, Law, and Inequality, 50 Years After the Civil Rights Era," *Annual Review of Law and Social Science*, vol. 13 (2017): 331 – 350, <https://www.annualreviews.org/doi/full/10.1146/annurev-lawsocsci-110316-113452>.

³³ Fred Drewe, "Why Does Racial Inequality Persist Long after Jim Crow?," *Brookings Institute*, October 9, 2014, <https://www.brookings.edu/blog/brookings-now/2014/10/09/why-does-racial-inequality-persist-long-after-jim-crow/>.

³⁴ Candis Watts Smith, "After the civil rights era, white Americans failed to support systemic change to end racism. Will they now?," *The Conversation*, August 13, 2020, <https://theconversation.com/after-the-civil-rights-era-white-americans-failed-to-support-systemic-change-to-end-racism-will-they-now-141954>; Ibram Kendi, "The Civil Rights Act was a victory against racism. But racists also won.," *Washington Post*, July 2, 2017, <https://www.washingtonpost.com/news/made-by-history/wp/2017/07/02/the-civil-rights-act-was-a-victory-against-racism-but-racists-also-won/>.

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THE CASE FOR REPARATIONS IN TULSA, OKLAHOMA

A Human Rights Argument

May 2020



The Case for Reparations in Tulsa, Oklahoma

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Summary

In the span of about 24 hours between May 31 and June 1, 1921, a white mob descended on Greenwood, a successful black economic hub in Tulsa, Oklahoma then-known as “Black Wall Street,” and burned it to the ground. Some members of the mob had been deputized and armed by city officials.

In what is now known as the “Tulsa Race Massacre,” the mob destroyed 35 square blocks of Greenwood, burning down more than 1,200 black-owned houses, scores of businesses, a school, a hospital, a public library, and a dozen black churches. The American Red Cross, carrying out relief efforts at the time, said the death toll was around 300, but the exact number remains unknown. A search for mass graves, only undertaken in recent years, has been put on hold due to the Covid-19 pandemic. Those who survived lost their homes, businesses, and livelihoods. Property damage claims from the massacre alone amount to tens of millions in today’s dollars. The massacre’s devastating toll, in terms of lives lost and harms in various ways, can never be fully repaired.

Following the massacre, government and city officials, as well as prominent business leaders, not only failed to invest and rebuild the once thriving Greenwood community, but actively blocked efforts to do so.

No one has ever been held responsible for these crimes, the impacts of which black Tulsans still feel today. Efforts to secure justice in the courts have failed due to the statute of limitations. Ongoing racial segregation, discriminatory policies, and structural racism have left black Tulsans, particularly those living in North Tulsa, with a lower quality of life and fewer opportunities.

On the 99th anniversary of the massacre, a movement is growing to urge state and local officials to do what should have been done a long time ago—act to repair the harm,

including by providing reparations to the survivors and their descendants, and those feeling the impacts today.

Under international human rights law, governments have an obligation to provide effective remedies for violations of human rights. The fact that a government abdicated its responsibility nearly 100 years ago and continued to do so in subsequent years does not absolve it of that responsibility today—especially when failure to address the harm and related action and inaction results in further harm, as it has in Tulsa. Like so many other places across the United States marred by similar incidents of racial violence, these harms stem from the legacy of slavery.

There are practical limits to how long, or through how many generations, such claims should survive. However, Human Rights Watch supports the conclusion of the Oklahoma Commission to Study the Tulsa Race Riot of 1921 (recently renamed the Tulsa Race Massacre Commission)—a commission created by the Oklahoma state legislature in 1997 to study the massacre and make recommendations—that reparations should be made.

The Tulsa Race Massacre occurred in a broader context of racist violence and oppression stemming from slavery, which continues to impact black people in the United States today. Human Rights Watch has long been supportive of the development of broader reparations plans to account for the brutality of slavery and historic racist laws that set different rules for black and white people. Accordingly, Human Rights Watch supports US House Resolution 40 (H.R. 40), a federal bill to establish a commission to examine the impacts of the transatlantic slave trade and subsequent racial and economic discriminatory laws and practices. H.R. 40 has been circulating in Congress for 30 years but recently gained renewed momentum given a growing public understanding about the harms of slavery and its continuing impact today. The bill garnered nearly 100 new co-sponsors in the House just last year; a companion bill in the Senate, S. 1083, has 16 co-sponsors.

After decades of silence, an enormous amount has been written in recent years about the Tulsa massacre and its aftermath, including many books,¹ and a comprehensive 200-page

¹ Hannibal B. Johnson, *Black Wall Street: From Riot to Renaissance in Tulsa's Historic Greenwood District* (Fort Worth: Eakin Press, 2007); Alfred L. Brophy, *Reconstructing the Dreamland: The Tulsa Race Riot of 1921, Race, Reparations, and Reconciliation* (New York: Oxford University Press, 2002); Scott Ellsworth, *Death in a Promised Land: The Tulsa Race Riot of*

report, known as the “Tulsa Race Riot Report,” issued by the “Tulsa Race Riot Commission” in 2001.² Yet the state and local governments involved have failed to take action.

In the run-up to the massacre’s centennial, the Tulsa and Oklahoma governments should finally take meaningful steps to repair these ongoing, devastating wrongs.

1921 (Baton Rouge: Louisiana State University Press, 1982); Tim Madigan, *The Burning: Massacre, Destruction, and the Tulsa Race Riot of 1921* (New York: Thomas Dunne Books, 2001); James Hirsch, *Riot and Remembrance: America’s Worst Race Riot and Its Legacy*, (Boston: Houghton Mifflin Company, 2002).

² “A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921,” (hereinafter “Tulsa Race Riot Report”), February 28, 2001, <https://www.okhistory.org/research/forms/freport.pdf> (accessed May 11, 2020).

Methodology

This report is largely based on research, as well as an analysis and review, of materials conducted from March through May 2020. These include the 2001 “Tulsa Race Riot Report,” numerous books on the massacre and its aftermath, news articles, law review articles, academic research papers, court records, and city planning documents. It also contains a lightly edited reprinting of several sections of an extensive 216-page Human Rights Watch report “Get on the Ground”: Policing, Poverty and Racial Inequality in Tulsa, Oklahoma,³ released in September 2019, which documents in detail systemic racial disparities in Tulsa today.

In addition, we also conducted six interviews with members of the Tulsa community, including descendants of victims of the massacre or individuals involved in racial justice efforts in Tulsa. These interviews built upon the substantial body of research, including 132 interviews, we had conducted for Get on the Ground. We conducted most of the new interviews by phone or by video due to restrictions on travel related to the Covid-19 pandemic. All interviewees gave their full informed consent to the interviews and were provided no incentives to participate.

All documents cited in this report are publicly available or are on file with Human Rights Watch.

³ “Get on the Ground!”: Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma: A Case Study of US Law Enforcement, September 12, 2019, https://www.hrw.org/sites/default/files/report_pdf/us0919_tulsa_web.pdf.

The Greenwood Massacre and its Legacy⁴

The Massacre

On May 31, 1921, police in Tulsa arrested Dick Rowland, a young black man who lived in the Greenwood section of town, for an alleged assault on a white woman.⁵ Though the evidence against him was not strong,⁶ the *Tulsa Tribune* printed an editorial that afternoon calling for a lynching.⁷ A mob of white men converged on the county lock-up.⁸

At the time, lynching of black people was common throughout the US—61 were reported in 1919; 61 in 1920; and 57 in 1921.⁹ Violent white mobs terrorized and attacked black people, killing them and destroying their property, in cities throughout the US.

When news of the lynch-mob reached Greenwood, community members, including many World War I veterans, armed themselves and went to the courthouse to protect Rowland, but the sheriff told them to leave.¹⁰ After the black men left, the crowd outside the courthouse grew to over two thousand, many of them armed.¹¹ Tulsa police made no effort to de-escalate the situation or disperse the crowd.¹²

Later that night, the men from Greenwood returned, offering to help the sheriff protect Rowland.¹³ A fight broke out when a white man tried to disarm one of the black veterans trying to protect Rowland¹⁴ and some shooting began, lasting through the night.¹⁵

⁴ This section is drawn from the Human Rights Watch report: “Get on the Ground!”: Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma: A Case Study of US Law Enforcement (New York: Human Rights Watch, 2019), https://www.hrw.org/sites/default/files/report_pdf/us0919_tulsa_web.pdf, p. 27-30.

⁵ Madigan, *The Burning*, p. 52-54.

⁶ Johnson, *Black Wall Street*, p. 37.

⁷ Madigan, *The Burning*, p. 69-71; Johnson, *Black Wall Street*, p. 199.

⁸ Madigan, *The Burning*, p. 76.

⁹ Johnson, *Black Wall Street*, p. 27-28. The numbers reported are likely vast underestimates of the number of black people in the US killed through racially motivated violence in those years, as there was no official mechanism to accurately record all the incidents.

¹⁰ Madigan, *The Burning*, p. 89-98.

¹¹ Madigan, *The Burning*, p. 98-99.

¹² Johnson, *Black Wall Street*, p. 40.

¹³ Johnson, *Black Wall Street*, p. 39-40.

¹⁴ “Tulsa Race Riot Report,” p. 63.

¹⁵ Madigan, *The Burning*, p. 101-103, 120-121; Mary E. Jones Parrish, *Events of the Tulsa Disaster* (Tulsa: John Hope Franklin Center for Reconciliation, 2016), p. 37.

Early the next morning, a large mob of white men and boys invaded Greenwood, outnumbering its defenders by 20 to 1 or more.¹⁶ Witnesses said that people in airplanes flew over Greenwood dropping firebombs and shooting at people.¹⁷

The attack lasted throughout the day. The mob drove through Greenwood, shooting and killing black people, looting and burning their homes and businesses.¹⁸ Many black residents fought back, but they were greatly outnumbered and outgunned. Many fled, while thousands were taken prisoner.¹⁹ At best, Tulsa Police took no action to prevent the massacre. Reports indicate that some police actively participated in the violence and looting.²⁰

The mob destroyed 35 square blocks of Greenwood, burning down over 1,200 homes, over 60 businesses, a school, a hospital, a public library, and a dozen churches.²¹ Hundreds of homes that were not burned down were looted as well.²² Some estimates put the death toll at 300,²³ while others believe it was much higher.²⁴

The Tulsa City Commission issued a report two weeks after the massacre saying: “Let the blame for this negro uprising lie right where it belongs—on those armed negroes and their followers who started this trouble and who instigated it and any persons who seek to put half the blame on the white people are wrong ...”²⁵

The Massacre’s Aftermath

In the early morning hours of June 1, 1921, Oklahoma Governor James A. Robertson called in National Guard troops and declared martial law.²⁶ The National Guard, as well as local

¹⁶ Tulsa Race Riot Report, p. 63.

¹⁷ Johnson, *Black Wall Street*, p. 45-46; Jones Parrish, *Events of the Tulsa Disaster*, p. 48; Madigan, *The Burning*, p. 131.

¹⁸ Jones Parrish, *Events of the Tulsa Disaster*, p. 48.

¹⁹ Madigan, *The Burning*, p. 203.

²⁰ Madigan, *The Burning*, p. 145; Jones Parrish, *Events of the Tulsa Disaster*, p. 62; “Tulsa Race Riot Report,” p. 74.

²¹ Madigan, *The Burning*, p. 221; “Tulsa Race Riot Report,” p. 145.

²² Madigan, *The Burning*, p. 221.

²³ Johnson, *Black Wall Street*, p. 54.

²⁴ Human Rights Watch interview with Stephen Williams, Tulsa, Oklahoma, March 27, 2019.

²⁵ Tulsa City Commission Meeting Minutes, June 14, 1921, excerpted in Johnson, *Black Wall Street*, p. 239.

²⁶ “Tulsa Race Riot Report,” p. 71; Hirsch, *Riot and Remembrance*, p. 142.

law enforcement and other white citizens deputized by them,²⁷ began disarming and arresting all black people and moving them to internment camps located at the Convention Hall, the McNulty Baseball Park, or the fairgrounds.²⁸ This internment facilitated destruction and death, leaving black residents, outnumbered by more than 20 to 1,²⁹ without the ability to defend their lives, home, and property.³⁰

During the attack, white men dragged dozens of black people in their nightclothes from their beds on the white side of town, in homes where they lived as domestic workers, screaming at and severely beating them before hauling them off to internment at various locations downtown.³¹ Others liberally spread kerosene or gasoline inside Greenwood homes and businesses and then lit them on fire.³² Once in the camps, black Tulsans were not able to leave without permission of white employers.³³ When they did leave, they were required to wear green identification tags.³⁴ By June 7, 7,500 tags had been issued.³⁵ The American Red Cross, which ran the internment camps, reported that thousands of black Tulsans, then homeless, were forced to spend months, or in some cases over a year and through the winter, in the camps, in tents.³⁶ Many suffered disease and malnutrition in the camps.³⁷ During a six-month period after the violence began, the Red Cross reported “eight definite cases of premature childbirth that resulted in the death of babies” and that “of the maternity cases given attention by Red Cross doctors, practically all have presented complications due to the riot.”³⁸

²⁷ “Tulsa Race Riot Report,” p. 11-12.

²⁸ “Tulsa Race Riot Report,” p. 59-60 (“The guardsmen arrested every black resident of Tulsa they could find and then took them into ‘protective custody.’”); see also pp. 83, 161, 165.

²⁹ “Tulsa Race Riot Report,” p. 63 and “Tulsa Race Riot Map 3,” p. 193 of the PDF.

³⁰ “Tulsa Race Riot Report,” “Tulsa Race Riot Map 7,” p. 197 of the PDF. (“Black attempts to defend their homes and businesses were undercut by the actions of both the Tulsa police and the local National Guard units, who, rather than disarming and arresting the white rioters, instead began imprisoning black citizens.”)

³¹ Madigan, *The Burning*, p. 119-120.

³² Madigan, *The Burning*, p. 119-120.

³³ Ellsworth, *Death in the Promised Land*, p. 72.

³⁴ Ibid.

³⁵ Hirsch, *Riot and Remembrance*, p. 142.

³⁶ “Tulsa Race Riot Report,” p. 88; see also Hirsch, *Riot and Remembrance*, p. 118.

³⁷ Hirsch, *Riot and Remembrance*, p. 118. (“Some refugees lived in tents for well over a year, combating floods, heat, and cold. Pneumonia, typhoid fever, malnutrition, smallpox took their toll.”)

³⁸ “Red Cross Disaster Relief Report,” Dec. 31, 1921, https://www.tulsaohistory.org/wp-content/uploads/2018/11/1994.012.001_RedCrossReport.pdf (accessed May 15, 2020), p. 3 of Section titled “Narrative Report as of December 31, 1921,” p. 25 of the PDF; see also Hirsch, *Riot and Remembrance*, p. 118.

The Tulsa Race Massacre Commission confirmed in its report that Tulsa officials, and the hundreds of whites they deputized, participated in the violence—at times providing firearms and ammunition to people, all of them white—who looted, killed, and destroyed property.³⁹ It also found that no one was ever prosecuted or punished for the violent criminal acts.⁴⁰

When Governor Robertson visited Tulsa on June 2, he ordered that a grand jury be empaneled and put the attorney general S.P. Feeling in charge.⁴¹ All of the 12 men selected for the panel on June 9, 1921 were white.⁴² After several days of testimony the jury indicted more than 85 people⁴³—the majority black—⁴⁴ mostly for rioting, carrying weapons, looting and arson.⁴⁵ Most of the indictments were ultimately dismissed or not pursued, including the indictment against Rowland, as the complaining witness never came forward.⁴⁶

One of the only indictments that was pursued was that against John Gustafson, the white Tulsa police chief who was accused of neglect of duty, and charges unrelated to the massacre—freeing automobile thieves for which he collected rewards.⁴⁷ After a two-week trial that garnered significant press attention, he was convicted, sentenced to a fine, and fired.⁴⁸ According to James Hirsch, who wrote a book about the massacre and its aftermath, Gustafson's conviction had the effect of granting “blanket immunity” to all the white people who murdered and looted.⁴⁹ In charging Gustafson, the prosecutor made clear that she did not believe any of the white people who armed themselves had violated the law. Rather, she said:

³⁹ “Tulsa Race Riot Report,” p. 11-12, 159, 165 and “Chronological Maps of the Tulsa Race Riot” beginning on p. 180 of the report, see maps 3,4,6,7 and 9.

⁴⁰ “Tulsa Race Riot Report,” p. 13. Gustafson remained in Tulsa and became a private investigator. See also Hirsch, *Riot and Remembrance*, p. 128-129; Madigan, *The Burning*, p. 228.

⁴¹ Ellsworth, *Death in a Promised Land*, p. 94.

⁴² Madigan, *The Burning*, p. 228.

⁴³ Madigan, *The Burning*, p. 228. Ellsworth, *Death in a Promised Land*, p. 95.

⁴⁴ Madigan, *The Burning*, p. 229.

⁴⁵ Madigan, *The Burning*, p. 229; Hirsch, *Riot and Remembrance*, p. 128.

⁴⁶ Hirsch, *Riot and Remembrance*, p. 128; Madigan, *The Burning*, p. 228-229; “Tulsa Race Riot Report,” p. 167.

⁴⁷ Ellsworth, *Death in a Promised Land*, p. 97.

⁴⁸ Hirsch, *Riot and Remembrance*, p. 128-129; Madigan, *The Burning*, p. 228; Johnson, *Black Wall Street*, p. 67.

⁴⁹ Hirsch, *Riot and Remembrance*, p. 129.

After those armed Negroes had started shooting and killed a white man— then those who armed themselves for the obvious purpose of protecting their property and lives violated no law. The [police] chief neglected to do his duty and the citizens after seeing their police fail, took matters into their own hands.⁵⁰

The final 1921 grand jury report blamed Black people for the massacre: “There was no mob spirit among the whites, no talk of lynching and no arms. The assembly was quiet until the arrival of the armed Negroes, which precipitated and was the direct cause of the entire affair.”⁵¹ The grand jury report also named another cause: “agitation among the Negroes of [sic] social equality.”⁵²

The exact number of people killed has been hard to establish, in part because after the attack began, the Oklahoma National Guard commanding general, Charles Barrett, issued an order denying funerals for the deceased on the ground that he claimed churches were already overwhelmed with helping the displaced.⁵³ To this day no one knows what happened to most of the bodies, though there is reason to believe at least some were buried in mass graves. An investigation into this possibility, after being dormant for years, was recently reopened (see below).⁵⁴

Initially, some Tulsa officials acknowledged the wrongdoing and promised restitution and repair. “Tulsa can only redeem herself from the country-wide shame and humiliation ... by complete restitution of the destroyed black belt...Tulsa weeps at this unspeakable crime and will make good the damage ... down to the last penny, ” said Judge Loyal J. Martin, chairman of the Executive Welfare Committee, a body formed on June 2, 1921 through the Tulsa Chamber of Commerce in response to the violence and for the purpose of

⁵⁰ Hirsch, *Riot and Remembrance*, p. 129.

⁵¹ Madigan, *The Burning*, p. 231; “Tulsa Race Riot Report,” p. 167.

⁵² “Tulsa Race Riot Report,” p. 167.

⁵³ I. Marc Carlson, “The Tulsa Race Massacre, Martial Law Orders,” Field Order No. 3, June 14, 2017, <https://tulsaraceriot.wordpress.com/2017/06/14/martial-law-orders/> (accessed May 15, 2020); see also Hirsch, *Riot and Remembrance*, p. 119.

⁵⁴ DeNeen L. Brown, “Tulsa plans to dig for suspected mass graves from a 1921 race massacre,” *Washington Post*, February 4, 2020, <https://www.washingtonpost.com/history/2020/02/03/tulsa-mass-graves-excavation/> (accessed May 15, 2020).

rehabilitating the city.⁵⁵ Alva J. Niles, president of the Chamber of Commerce, made similar apologies and promised that “rehabilitation will take place and reparation made,” adding that Tulsa feels “intensely humiliated,” and pledged to “punish those guilty of bringing the disgrace and disaster to this city.”⁵⁶

These promises were never realized. Some city and county resources went to fund immediate American Red Cross relief efforts to provide temporary shelter, food, and medical assistance to some of the thousands displaced.⁵⁷ However, government officials committed no public money to help Greenwood rebuild—in fact, they worked to impede it, and even rejected offers of medical and reconstruction assistance from within and outside Tulsa.⁵⁸ In the end, the restoration of Greenwood after its systematic destruction was left entirely to the victims of that destruction.⁵⁹

Obstacles to Rebuilding

An estimated 11,000 black people lived in Tulsa before the massacre, most in the Greenwood area (see below for maps of the Greenwood District’s historic boundaries in Appendix A).⁶⁰

When black Tulsans tried to rebuild, they faced enormous obstacles, including hostility from powerful sectors of the city: an illustrative June 4 *Tulsa Tribune* editorial titled “It Must Not Be Again” stated: “the old ‘Niggertown’ must never be allowed in Tulsa again.”⁶¹

⁵⁵ Ellsworth, *Death in the Promised Land*, p. 83, “Tulsa Race Riot Report,” p. 159 (boxed caption); Hirsch, *Riot and Remembrance*, p. 134-35. See also “Tulsa World editorial: Tulsa Regional Chamber makes public act of atonement concerning what happened after the 1921 race massacre,” *Tulsa World*, March 29, 2019, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-tulsa-regional-chamber-makes-public-act-of-atonement-concerning-what-happened-after/article_c641afc4-bf10-5be4-94ba-8bd1bbc4b51a.html (accessed May 27, 2020): It describes the Executive Welfare Committee as being part of the Chamber of Commerce.

⁵⁶ Ellsworth, *Death in the Promised Land*, p. 83; “Tulsa Race Riot Report,” p. 159 (boxed caption); Hirsch, *Riot and Remembrance*, p. 135-36.

⁵⁷ “Tulsa Race Riot Report,” p. 13-14.

⁵⁸ Ellsworth, *Death in a Promised Land*, p. 84 (“Numerous telegrams were received by the executive committee from various cities in the Union offering aid, but the policy was quickly adopted that this was strictly a Tulsa affair and that the work of the restoration and charity would be taken care of by the Tulsa people.”); see also Hirsch, *Riot and Remembrance*, p. 130 (Governor Robertson refused an offer to send 50 Black Cross nurses from the Chicago chapter of the Universal Negro Improvement Association).

⁵⁹ “Tulsa Race Riot Report,” p. 11-14.

⁶⁰ “Tulsa Race Riot Report,” p. 124. For maps of the Tulsa Race Massacre and historic Greenwood District’s boundaries in 1921, see Appendix A (at the conclusion of the report) and p. 95 – 98 of the “Tulsa Race Riot of 1921 National Registration Form:” <http://cdm15020.contentdm.oclc.org/cdm/ref/collection/p15020coll6/id/95>.

⁶¹ Hirsch, *Riot and Remembrance*, p. 124-125.

Many of the white men who participated in the attack occupied prominent positions at City Hall, the community's courthouses, press rooms, churches, and office buildings.⁶²

The "Tulsa Race Riot Commission" retrieved court filings for 193 lawsuits filed against the city and insurance companies for property and other losses totaling about \$1,470,711 in 1921.⁶³ This likely underestimates material losses, as not everyone in Greenwood had insurance and of those who did, not all took insurance companies or the city to court.⁶⁴ All the claims pursued were dismissed,⁶⁵ despite Gustafson's conviction, which did not translate into any benefit or restitution for the victims.⁶⁶

Insurance companies denied claims based on "riot exclusion" clauses in the contract.⁶⁷ Claimants argued in vain that the violence was not caused by a riot but by law enforcement action, inaction, and negligence.⁶⁸

Many also filed claims worth \$1.8 million at what the "Tulsa Race Riot" report said was called the "City Commission."⁶⁹ All were denied, except for one filed by a white pawnshop owner for \$3,994.57 for ammunition taken from his shop during the violence.⁷⁰ The "Tulsa Race Riot Commission" used the \$1.8 million figure instead of the \$1,470,711 to estimate property losses, noting that this figure would be worth nearly \$17 million in 1999 dollars. Using the commission's same method of calculation—that figure would be worth more than \$25 million today.⁷¹ Others have put the value of property loss claims alone at between \$50 to \$100 million in today's dollars.⁷²

⁶² Hirsch, *Riot and Remembrance*, p. 141; Johnson, *Black Wall Street*, p. 98.

⁶³ "Tulsa Race Riot Report," p. 145.

⁶⁴ "Tulsa Race Riot Report," p. 145.

⁶⁵ "Tulsa Race Riot Report," p. 145.

⁶⁶ Hirsch, *Riot and Remembrance*, p. 141.

⁶⁷ "Tulsa Race Riot Report," p. viii and 154; see also Hirsch, *Riot and Remembrance*, p. 141.

⁶⁸ "Tulsa Race Riot Report," p. 154; see also Hirsch, *Riot and Remembrance*, p. 141; Johnson, *Black Wall Street*, p. 98.

⁶⁹ "Tulsa Race Riot Report," p. 145.

⁷⁰ "Tulsa Race Riot Report," p. 145 and n. 4 on p. 150.

⁷¹ "Tulsa Race Riot Report," p. 149, n. 16. The Commission used a Consumer Price Index (CPI) for inflation calculator no longer available at the website listed. Human Rights Watch used what looks to be the same CPI tool, but updated version, available at the US Bureau of Labor Statistics: <https://www.in2013dollars.com/us/inflation/1999?amount=16752600> (accessed May 15, 2020).

⁷² Natalie Chang, "The Massacre of Black Wall Street," *The Atlantic*, 2019, <https://www.theatlantic.com/sponsored/hbo-2019/the-massacre-of-black-wall-street/3217/> (accessed March 25, 2020).

On June 7, 1921, the Executive Welfare Committee⁷³ announced its intention to direct a body called the “Real Estate Exchange” to develop a plan to value the properties burned down in the Greenwood area and purchase them from black owners with an eye towards relocating black residents and turning the area into an industrial and wholesale district.⁷⁴ The Real Estate Exchange’s leadership ranks included W. Tate Brady, a known member of the Ku Klux Klan,⁷⁵ and the plan—though never realized—had the support of some white civic organizations, businessmen, and “political elements.”⁷⁶

On the same day, the City Commission passed a Fire Ordinance that required any new structures in Greenwood to be at least two stories high and be made of concrete, brick, or steel.⁷⁷ The ordinance effectively prevented many black Tulsans from rebuilding because such materials were prohibitively expensive.⁷⁸ Most of the Greenwood houses that burned down were wood-framed.⁷⁹ Tulsa Mayor T.D. Evans supported the ordinance, suggesting a railroad and railroad station be built in the area: “Let the negro be placed farther to the north and east,” he said, urging the commissioners to get in touch with the railroads as soon as possible.⁸⁰ Merritt J. Glass, the Real Estate Exchange president, argued that building a railroad station in Greenwood “will draw more distinctive lines between them and thereby eliminate the intermingling of the lower elements of the two races ... the root of all evil which should not exist.”⁸¹

From a makeshift tent office on Archer Street,⁸² B.C. Franklin, who escaped his burning law office during the massacre, and a group of his associates brought a case challenging the zoning ordinance. The case, *Joe Lockard v. the City of Tulsa*, demanded that Joe Lockard, owner of a wood framed house “on Lot seventeen (17) in Block two ... in the City of Tulsa”

⁷³ Ellsworth, *Death in a Promised Land*, p. 74.

⁷⁴ Ellsworth, *Death in a Promised Land*, p. 84.

⁷⁵ Meagan Day, “The history of the Tulsa race massacre that destroyed America’s wealthiest black neighborhood,” *Timeline*, Sep 21, 2016, <https://timeline.com/history-tulsa-race-massacre-a92bb2356a69> (accessed May 1, 2020).

⁷⁶ Ellsworth, *Death in a Promised Land*, p. 84.

⁷⁷ Ellsworth, *Death in a Promised Land*, p. 85.

⁷⁸ Ellsworth, *Death in a Promised Land*, p. 85; see also “Tulsa Race Riot Report,” p. 168.

⁷⁹ Hirsch, *Riot and Remembrance*, p. 137-38.

⁸⁰ Ellsworth, *Death in a Promised Land*, p. 85.

⁸¹ Hirsch, *Riot and Remembrance*, p. 136; see also “Tulsa Race Riot Report,” p. 168 n. 87.

⁸² Hirsch, *Riot and Remembrance*, p. 138.

that had been burned down during the massacre,⁸³ be able to build on his property and that the ordinance be enjoined.⁸⁴ Ultimately, they won. In September 1921, the Oklahoma Supreme Court found the ordinance unconstitutional because it would deprive Greenwood property owners of their property rights if they were not able to rebuild.⁸⁵

Black Tulsans did manage to rebuild for a time, despite the hostility of powerful sectors of the city and state. They also did so at their own expense, with no assistance or restitution for the lives or property lost and at the cost of other opportunities they had to forgo, such as investments in education, health, or other business ventures.

Greenwood Rebuilds, Subsequent Decline

Starting in the early 1930s and 40s, Greenwood began to thrive again as a prosperous economic center. The “Tulsa Race Riot Commission” report describes this renaissance:

The tragedy and triumph of North Tulsa transcends numbers and amounts and who owned what portion of what lot. The African American community not only thrived in an era of harsh “Jim Crow” and oppression, but when the bigotry of the majority destroyed their healthy community, the residents worked together and rebuilt. Not only did they rebuild, they again successfully ran their businesses, schooled their children, and worshiped at their magnificent churches in the shadow of a growing Ku Klux Klan in Oklahoma and continuing legal racial separatism for more than forty years. In fact, one of the largest Ku Klux Klan buildings, not only in the state, but the country [sic] stood within a short walking distance of their community.⁸⁶

A local business directory, compiled by the Greenwood Chamber of Commerce sometime after the beginning of World War II, describes the area as “unquestionably the greatest

⁸³ *Lockard v. T.D. Evans, Mayor*, “Petition in the District Court within and for Tulsa County,” August 23, 2921, <https://www.tulsaohistory.org/wp-content/uploads/2018/11/Lockard-Joe-15730-Reduced-size.pdf> (accessed May 25, 2020).

⁸⁴ Johnson, *Black Wall Street*, p. 68, 95; Ellsworth, *Death in the Promised Land*, p. 86-87; “Tulsa Race Riot Report,” p. 168.

⁸⁵ “Tulsa Race Riot Report,” p. 168.

⁸⁶ “Tulsa Race Riot Report,” p. 149.

assembly of Negro shops and stores to be found anywhere in America” and lists hundreds of businesses.⁸⁷ The introduction to the directory states:

Perhaps nowhere else in America is there a single thoroughfare which registers such significance to local Negroes as North Greenwood Avenue in Tulsa. Today, after some twenty-five years of steady growth and development, Greenwood is something more than an Avenue, it is an institution. The people of Tulsa have come to regard it as a symbol of racial prominence and progress—not only for the restricted area of the street itself, but for the Negro section of Tulsa as a whole.

However, black people in Tulsa were still living in a system that was heavily biased against them. With no restitution or reparation for the harms done to them, and ongoing racial disparities in access to education, health, housing, and other social and economic rights and benefits, the cards were stacked against Greenwood’s ongoing success.

Ultimately, a complex set of factors that included government policies that disproportionately burdened black people resulted in Greenwood’s long-term decline. These included federal redlining and “urban renewal” programs pursued by the city and state.

Redlining

As a part of President Franklin D. Roosevelt’s New Deal, the Home Owners’ Loan Corporation (HOLC),⁸⁸ established in 1933, embarked on a City Survey Program,⁸⁹ using data from mortgage lenders and real estate developers, to investigate real estate conditions and assess desirability of neighborhoods.⁹⁰ The program resulted in a series of

⁸⁷ Greenwood Chamber of Commerce, “Business Directory of North Tulsa, Oklahoma,” https://21400bc3-acb9-420d-98ec-ac1476cae6a6.filesusr.com/ugd/9bd760_0394da636f8e4db498cbcc8a79b506a5.pdf (accessed March 31, 2020). The document appears to be undated, but the John Hope Franklin Center Resource page describes it as a 1948 publication, <https://www.jhfccenter.org/osuwpgreenwood> (accessed May 17, 2020).

⁸⁸ Home Owners’ Loan Act of 1933, H.R. 5240, Pub. L. No. 73-43, 48 Stat. 128, electronically available at: https://fraser.stlouisfed.org/title/850?start_page=3 (accessed May 10, 2020).

⁸⁹ Amy E. Hiller, “Residential Security Maps and Neighborhood Appraisals. The Homeowners’ Loan Corporation and the Case of Philadelphia,” *Departmental Papers (City and Regional Planning)* (2005), https://repository.upenn.edu/cgi/viewcontent.cgi?article=1004&context=cplan_papers (accessed May 10, 2020), p. 207.

⁹⁰ University of Richmond’s Digital Scholarship Lab, “Mapping Inequality: Redlining in New Deal America,” undated, <https://dsl.richmond.edu/panorama/redlining/#loc=15/36.165/-95.995&maps=0&city=tulsa-ok&text=intro> (accessed May 10).

color-coded maps in 239 cities, including Tulsa, Oklahoma.⁹¹ Neighborhoods were graded with one of four categories from green (“the best”) to red (“hazardous”).⁹² Local mortgage companies deemed “redlined” areas, comprised of mostly low-income minorities, to be credit risks, making it impossible for many residents to access mortgage loans, furthering the homeownership and wealth gap.⁹³

Thirty-five percent of Tulsa, including parts of the historic Greenwood District and surrounding areas, was deemed hazardous by the HOLC.⁹⁴ While the 1968 Fair Chance at Housing Act outlawed redlining and other racially discriminatory housing practices, the effects of that racial and economic segregation persist today.⁹⁵ A 2018 study shows that most of the neighborhoods that the HOLC marked as “hazardous” between 1935 and 1939 are low-income and minority neighborhoods today.⁹⁶

A recent strategy document by the City of Tulsa recognizes that “historical actions including redlining and exclusionary zoning have led to disinvestment in neighborhoods that were once thriving in Tulsa.”⁹⁷ Additionally, a 2018 analysis of publicly available data under the Home Mortgage Disclosure Act found that black Tulsans were 2.4 times more likely to be denied home mortgage applications than white applicants in Tulsa.⁹⁸

⁹¹ Amy E. Hiller, “Residential Security Maps and Neighborhood Appraisals. The Homeowners’ Loan Corporation and the Case of Philadelphia,” *Departmental Papers (City and Regional Planning)*, p. 207, 214, n. 4; Tracy Jan, “Redlining was banned 50 years ago. It’s still hurting minorities today,” *Washington Post*, March 28, 2018, <https://www.washingtonpost.com/news/work/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/> (accessed May 10, 2020).

⁹² University of Richmond’s Digital Scholarship Lab, “Mapping Inequality: Redlining in New Deal America.”

⁹³ Tracy Jan, “Redlining was banned 50 years ago. It’s still hurting minorities today,” *Washington Post*.

⁹⁴ University of Richmond’s Digital Scholarship Lab, “Mapping Inequality: Redlining in New Deal America,” Tulsa, OK map, undated, <https://dsl.richmond.edu/panorama/redlining/#loc=13/36.141/-96.018&maps=o&city=tulsa-ok> (accessed May 10, 2020).

⁹⁵ Tracy Jan, “Redlining was banned 50 years ago. It’s still hurting minorities today,” *Washington Post*.

⁹⁶ Bruce Mitchell and Juan Franco, “HOLC ‘Redlining’ Maps: The persistent structure of segregation and economic inequality,” *National Community Reinvestment Coalition*, February 2019, https://ncrc.org/wp-content/uploads/dlm_uploads/2018/02/NCRC-Research-HOLC-10.pdf (accessed May 16, 2020).

⁹⁷ City of Tulsa, “Affordable Housing Strategy,” December 11, 2019, <https://www.cityoftulsa.org/media/11872/cot-affordable-housing-strategy-121119.pdf> (accessed May 16, 2020), p. i.

⁹⁸ The following article summarizes the data and methodology for the Reveal study. It also contains the link to the full report and a link to the dataset at the bottom of the article. Human Rights Watch took the Tulsa data from the Reveal study and analyzed it to validate the *Tulsa World’s* findings: Emmanuel Martinez and Aaron Glantz, “How we identified lending disparities in federal mortgage data,” *Reveal from The Center for Investigative Reporting*, February 15, 2018, <https://www.revealnews.org/article/how-we-identified-lending-disparities-in-federal-mortgage-data/> (accessed May 9, 2020); For *Tulsa World’s* findings see, Curtis Killman, “Analysis finds racial disparities in Tulsa, Oklahoma City mortgage approvals,” *Tulsa World*, February 15, 2018, https://www.tulsaworld.com/news/state/analysis-finds-racial-disparities-in-tulsa-oklahoma-city-mortgage-approvals/article_5ab714ba-30a8-59e5-9c1b-a2bf34ea77d6.html (accessed May 9, 2020).

“Urban Renewal”

Greenwood’s decline was further accelerated by “urban renewal”⁹⁹—a set of federally financed policies aimed at rehabilitating areas considered blighted by such methods as condemning property and paying occupants to move or using eminent domain, and then redeveloping the land.¹⁰⁰ Urban renewal helped to clear areas of downtown Tulsa including the northeast corridor of downtown, part of the Greenwood neighborhood.¹⁰¹

By the early 1970s, these policies had claimed and demolished so many businesses and homes in Tulsa, more than 1,000, many of them in Greenwood, that black Tulsans would come to call urban renewal “urban removal,” according to Hirsch.¹⁰² This led black Tulsans to move north, east, and west—but with few exceptions, not to the more prosperous neighborhoods south of the railroad tracks.¹⁰³

⁹⁹ Johnson, *Black Wall Street*, pp. 114-118; Hirsch, *Riot and Remembrance*, p. 195.

¹⁰⁰ Andrew Small, “The Wastelands of Urban Renewal,” *CityLab*, February 13, 2017, <https://www.citylab.com/equity/2017/02/urban-renewal-wastelands/516378/> (accessed May 25, 2020); “Acquisition of Redevelopment Property by Eminent Domain,” *Duke Law Journal*, Vol. 1964: 123, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1897&context=dlj> (accessed May 25, 2020), p. 124-125. While poor people and people of color bore the brunt of the negative consequences of displacement from their communities, increased segregation, and heightened inequality, scholars have also noted that the policy brought shopping centers, office buildings, and entertainment centers cities across the United States. Katherine Schwab, “The Racist Roots Of ‘Urban Renewal’ And How It Made Cities Less Equal,” *Fast Company*, January 4, 2018, <https://www.fastcompany.com/90155955/the-racist-roots-of-urban-renewal-and-how-it-made-cities-less-equal> (accessed May 16, 2020). Michael R. Diamond, “De-concentrating Poverty: De-constructing a Theory and the Failure of Hope,” *Georgetown University Law Center*, 2012, <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2120&context=facpub> (accessed May 25, 2020), p. 3, 6-8, 16, 19; see also, Amber Wagoner, “Downtown Revitalized, Community Organized: a Comparative Analysis of Tulsa, Oklahoma and Portland, Oregon,” *Portland State University, University of Honors Thesis*, 2016, <https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1264&context=honorsthesis>, (accessed May 16, 2020), p. 26-28, and maps at xxiii.

¹⁰¹ Ibid.; see also, Amber Wagoner, “Downtown Revitalized, Community Organized: a Comparative Analysis of Tulsa, Oklahoma and Portland, Oregon,” *Portland State University, University of Honors Thesis*, 2016, <https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1264&context=honorsthesis>, (accessed May 16, 2020), p. xxiii.

¹⁰² Hirsch, *Riot and Remembrance*, p. 195; See also Johnson, *Black Wall Street*, p. 116. The author James Baldwin also referred to urban renewal as “Negro Removal.” See Diamond, “De-concentrating Poverty,” p. 19.

¹⁰³ Hirsch, *Riot and Remembrance*, p. 195.



View from Standpipe Hill, where gunfire rang out between white assailants and black Tulsans in 1921 in the Greenwood neighborhood. Interstate 244 is now seen cutting through Greenwood.

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Highway construction projects, which sought to “redeem” urban areas, disproportionately low-income and black, were a significant aspect of the urban renewal era.¹⁰⁴ Beginning in the 1950s, the city condemned property in areas including Greenwood, forcing the residents to move, in order to build seven expressways, funded mostly by the federal government,¹⁰⁵ to build the Inner Dispersal Loop (IDL), which formed a ring around downtown.¹⁰⁶ Completed in the 1970s, the north side of the IDL cut a high concrete swath along the southern boundary of Greenwood while the elevated Cherokee Expressway runs along the eastern edge of Greenwood. Two highways bound the remaining population in

¹⁰⁴ Alana Semuels, “The Role of Highways in American Poverty,” *The Atlantic*, March 18, 2016, <https://www.theatlantic.com/business/archive/2016/03/role-of-highways-in-american-poverty/474282/> (accessed May 16, 2020); Joseph Stromberg, “Highways gutted American cities. So why did they build them?” *Vox*, May 11, 2016, (accessed May 16, 2020).

¹⁰⁵ The Federal-Aid Highway Act was passed by US Congress in June 1956. “The law authorized the construction of a 41,000-mile network of interstate highways that would span the nation. It also allocated \$26 billion to pay for them. Under the terms of the law, the federal government would pay 90 percent of the cost of expressway construction.” See more, “The Interstate Highway System,” *History.com*, updated June 7, 2019, <https://www.history.com/topics/us-states/interstate-highway-system> (accessed May 26, 2020).

¹⁰⁶ Hirsch, *Riot and Remembrance*, p. 194; see also Terry Gross, “A ‘Forgotten History’ Of How the U.S. Government Segregated America,” *NPR*, May 3, 2017, <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america> (accessed May 16, 2020).

Greenwood's core and created dead space under the overpasses and near the exits.¹⁰⁷ It also displaced many families and businesses.¹⁰⁸

A May 4, 1967 article in the *Tulsa Tribune* about how Greenwood had changed, said:

The crosstown expressway slices across the 100 block of North Greenwood Avenue, across the very buildings that [were] once "a mecca for the Negro businessman" ... There will still be a Greenwood Avenue, but it will be a lonely, forgotten lane ducking under the shadow of a big overpass.¹⁰⁹

Other property targeted by the Tulsa Urban Renewal Authority includes the site where Oklahoma State University (OSU-Tulsa) now sits, which is where Booker T. Washington High School, Greenwood's main high school before the massacre, was located.¹¹⁰ According to the "Tulsa Race Riot Commission's" report, "urban renewal and the accumulation of North Greenwood property for the highway and Rogers State University (now OSU-Tulsa), create a gap in the records of property and cause old addresses, legal and otherwise, do [sic] not display on the county clerk computer system."¹¹¹

Hirsch concludes that highway construction and urban renewal, combined with other economic factors, resulted in Greenwood's economic collapse. The outcome, he wrote, was in "eerie parallel to what the city had tried to do after the riot: drive blacks away from downtown Tulsa."¹¹²

¹⁰⁷ Hirsch, *Riot and Remembrance*, p. 194-95; see also second half of Phil Mulkins, "Phone Company Wires Crossed on 1-900 Billing," *Tulsa World*, July 18, 1990, https://www.tulsaworld.com/archive/phone-company-wires-crossed-on-1-900-billing/article_36451259-3e75-55a9-967d-4df180238c4e.html (accessed May 16, 2020).

¹⁰⁸ See series of maps at: Michael Bates, "'There is no Negro business district anymore,'" *BatesLine*, June 4, 2017, <http://www.batesline.com/archives/2017/07/greenwood-expressway-demolition-1967.html> (accessed May 16, 2020); see also, Kendrick Marshall, "'Signs of Gentrification': Greenwood community worries residents being pushed out, history disrespected," *Tulsa World*, June 6, 2019, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out/article_267776fe-ac92-57ef-ao48-5e1eoc72ae80.html (accessed March 28, 2020).

¹⁰⁹ Joe Looney, "Greenwood Fades Away Before Advance of Expressway," *Tulsa Tribune*, May 4, 1967, <http://cdm15020.contentdm.oclc.org/cdm/singleitem/collection/p16063coll1/id/439/rec/18> (accessed May 16, 2020).

¹¹⁰ Johnson, *Black Wall Street*, p. 120.

¹¹¹ "Tulsa Race Riot Report," p. 147.

¹¹² Hirsch, *Riot and Remembrance*, p. 194.

Tulsa historian Hannibal Johnson notes that if it were not for the efforts of the massacre survivors, like E.L. Goodwin Sr., who by the 1970s owned Greenwood's last remaining law practice and had acquired several other Greenwood properties, what is left of Greenwood might not exist.¹¹³ The Tulsa Urban Renewal Authority targeted Goodwin's property but he refused to sell unless he got outright title, or an option to purchase the remaining buildings on the once-famous Greenwood Avenue. The Tulsa Urban Renewal Authority agreed.¹¹⁴ Thanks to the efforts of Goodwin and others, Hannibal writes, the 100 block of Greenwood Avenue, located between Archer Street and the Interstate 244 overpass remains somewhat preserved "but it is a skeleton of its former self" when it was home to 242 black-owned and operated businesses in a 35-square-block area.¹¹⁵ Goodwin's brother, James, later reflected:

What was characteristic of urban renewal authorities across the country, was that right through the core of the black business community, like an arrow through the heart, came the expressways. It happened here, in Oakland, Chicago and a host of other cities.¹¹⁶

A report by Tulsa's Neighborhood Regeneration Project in 1978 described Greenwood as a place "that is left today [with] generally abandoned and underutilized buildings, sitting in a sparse population of poor and elderly black[s] awaiting the relocation counselors of the Urban Renewal Program."¹¹⁷ And according to a 1985 article in *The Oklahoman*, "by 1979, little remained of the original district but a few boarded-up brick buildings at Greenwood and Archer and a small group of businessmen who comprised the Greenwood Chamber of Commerce."¹¹⁸

¹¹³ Johnson, *Black Wall Street*, p. 116.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Dan Rutherford, "The Glory of Greenwood," *Tulsa World*, March 10, 1997, https://www.tulsaworld.com/archive/the-glory-of-greenwood/article_75801376-ofc8-5525-aeb3-3eb1d6bc1256.html (accessed May 9, 2020).

¹¹⁷ Johnson, *Black Wall Street*, p. 116.

¹¹⁸ Griff Palmer, "Tulsa's Greenwood Centre Was Once 'Black Wall Street of the Southwest,'" *The Oklahoman*, February 4, 1985, <https://oklahoman.com/article/2097063/tulsas-greenwood-centre-was-once-black-wall-street-of-the-southwest> (accessed May 16, 2020); see also video at: KJRH Tulsa News, "Preserving Tulsa's Historic Greenwood District – 65th Anniversary: A blast from the past," December 10, 2019, <https://www.kjrh.com/news/local-news/preserving-tulsas-historic-greenwood-district> (accessed May 16, 2020).

Tulsa Today

Poverty, Race, and Geography

(This section through “The Fight for Reparations and Economic Justice in Tulsa” are adapted from the Human Rights Watch Report “*Get on the Ground: Policing, Poverty and Racial Inequality in Tulsa, Oklahoma*,” September 2019, pp. 12-13, 30-48).¹¹⁹

The effects of the Greenwood massacre and subsequent discrimination continue to be felt in the present day. Black neighborhoods remain underdeveloped and under resourced. Mistrust of police is a legacy of the massacre. Aggressive policing in the present serves as a reminder and even an extension of the past.

Large percentages of black people in Tulsa live in North Tulsa, above the 244 Freeway and Admiral Boulevard, and in smaller enclaves throughout the city like the area around 61st and Peoria Street, which has a large number of public housing projects.

The geographic segregation tends to track poverty rates. North Tulsa is significantly poorer than other parts of the city. There are few businesses and few large-scale employers there. Investment in the community has been greatly lacking. Some 33.5 percent of North Tulsans live in poverty, compared to 13.4 percent in South Tulsa. Unemployment overall for black people is 2.4 times the rate for white people. There are huge differences in life expectancy between north and south. North Tulsa has no traditional supermarkets with fresh meats and produce, and it is hard to find nutritious foods. Schools in Oklahoma, in general, are underfunded and in crisis. Tulsa schools are extremely segregated, with black students far more likely to be in schools characterized by high rates of poverty and high absenteeism, drop-out, and turnover rates. Black students are suspended from school much more frequently than white students.

As of mid-2019, Tulsa Mayor GT Bynum had recognized these significant inequalities and was taking important steps to address them. However, the city budget remained tilted towards policing. Over one-third of the city’s general fund was going to the police

¹¹⁹ Human Rights Watch, “*Get on the Ground!*”: *Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma*.

department, whose budget continued to grow. The city recently approved an additional sales tax to pay for a major expansion of the police department.

The racial and class dynamics of modern-day Tulsa exist in the context of a highly segregated city.¹²⁰ Racial divisions and economic underdevelopment, particularly in North Tulsa, contribute to crime, which serves as a rationale for aggressive police activity. Imposition and enforcement of criminal debt takes money from poor people and people of color in Tulsa, who tend to be poor, draining resources from their families and communities.

The poverty and lack of economic development of North Tulsa result from a variety of factors, including historical neglect dating back to the destruction of Greenwood in 1921. Reverend Gerald Davis of The United League for Social Action (TULSA) said that there is a great deal of investment in economic development in South Tulsa, including street improvements, bus lines, sewer lines, and other infrastructure, but politicians tend to ignore North Tulsa.¹²¹ A prevalent attitude among people with political and economic power is “you don’t want to go there, build there, buy there.”¹²²

Davis attributes this neglect, in large part, to “systemic racism,” and says that it has persisted from the time of legalized racial segregation.¹²³ Systemic or structural racism is caused by public policies, institutional practices, cultural representations, and other norms working in various, often reinforcing, ways to perpetuate racial group inequity.¹²⁴ These policies, practices and norms serve to benefit and privilege white people while denying basic rights and limiting opportunities for people of color. Systemic racism does

¹²⁰ Human Rights Watch telephone interview with Pastor Ray Owens, Metropolitan Baptist Church, Tulsa, Oklahoma, April 12, 2018; Human Rights Watch interview with Edward Malone (pseudonym), Tulsa, Oklahoma, November 1, 2017.

¹²¹ Human Rights Watch telephone interview with Reverend Gerald Davis, Church of the Restoration, Tulsa, Oklahoma, October 4, 2017.

¹²² Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017, and Eddie Evans, 100 Black Men, Tulsa, Oklahoma, January 4, 2018; Human Rights Watch interview with Drew Diamond, executive director, Jewish Federation of Tulsa, former chief, Tulsa Police Department, Tulsa, Oklahoma, September 27, 2017.

¹²³ Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017.

¹²⁴ Institute Staff, “11 Terms You Should Know to Better Understand Structural Racism,” post to “Racial Equity” (blog), The Aspen Institute, July 11, 2016, <https://www.aspeninstitute.org/blog-posts/structural-racism-definition/> (accessed July 14, 2019); Jenee Desmond-Harris, “Finally, an explanation of systemic racism that won’t put you to sleep,” *Vox*, April 23, 2015, <https://www.vox.com/2015/4/23/8482799/systemic-racism-explained-examples> (accessed July 14, 2019).

not depend on racism of individuals or on overt discriminatory intent, but it can exist even in a culture that disavows racial bias.

Many community leaders from North Tulsa agree on the need for structural change in the neighborhoods where crime occurs, including investment in education, job training, infrastructure, business development, entrepreneurship, and employment opportunities, not more abusive policing.¹²⁵

Poverty, race, and geography correlate substantially in Tulsa. The line dividing North Tulsa from the rest of the city is often recognized as Admiral Place and Interstate 244, which run alongside each other east to west across the city.¹²⁶ About half of all black people in Tulsa live in North Tulsa, though this section only has 21 percent of the city's total population.¹²⁷ The seven zip codes identified¹²⁸ as comprising North Tulsa have a total population of approximately 85,000 people according to recent census data.¹²⁹

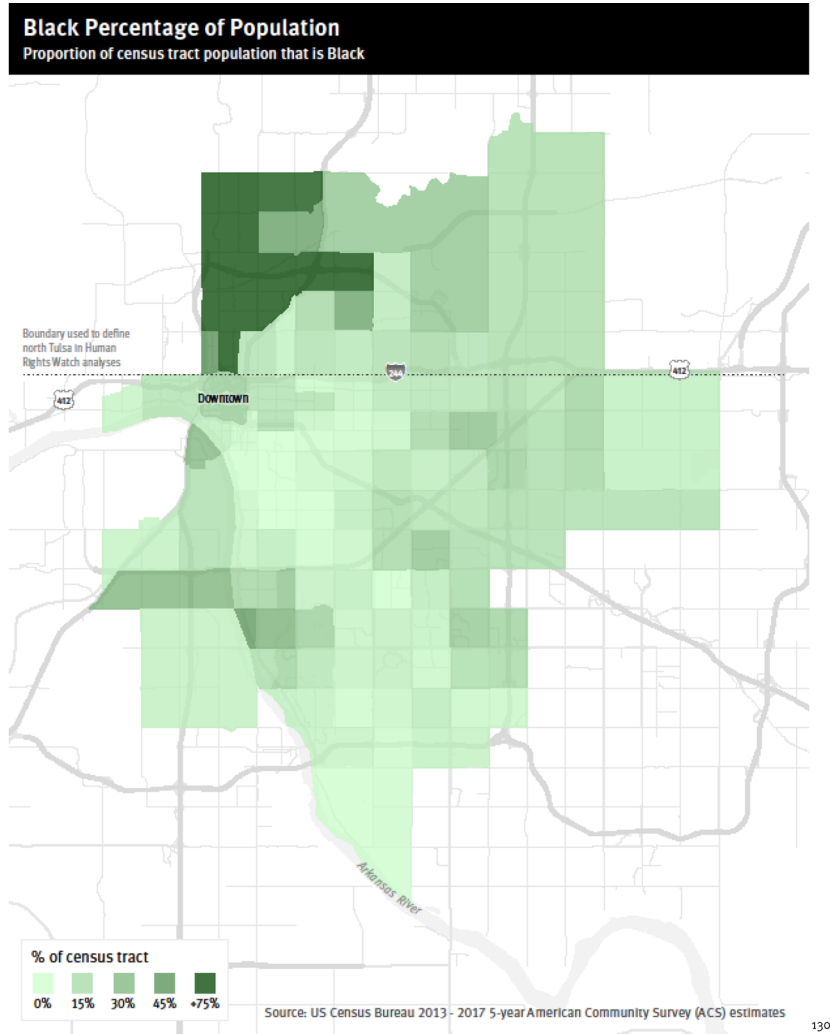
¹²⁵ Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017, and Pastor Rodney Goss, Morningstar Baptist Church, Tulsa, Oklahoma, August 30, 2017, and Eddie Evans, January 4, 2018, and Senator Kevin Matthews, Oklahoma State Senate, District 11, Tulsa, Oklahoma, October 12, 2017, and Dr. Tiffany Crutcher, Terence Crutcher Foundation, April 11, 2018; Human Rights Watch interview with Pastor Arlando Jasper, Bernsen Family Life Center, Tulsa, Oklahoma, March 19, 2018.

¹²⁶ Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

¹²⁷ Ryan Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," post to "Race and Equity" (blog), *Oklahoma Policy Institute*, August 23, 2017, <https://okpolicy.org/millions-of-dollars-in-court-debt-hangs-over-oklahomas-poorest-zip-codes/> (accessed July 14, 2019). Human Rights Watch calculated these percentages based on the population data in the OK Policy report.

¹²⁸ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, 2018, https://www.tulsaei.org/webdocs/Tulsa_Equality_Indicators_Annual_Report_2018_Web.pdf (accessed July 14, 2019), p. 38.

¹²⁹ Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," *Oklahoma Policy Institute*. Some of these zip codes extend past the exact borders of the city of Tulsa, and the total population numbers here include people in such areas as there is no way to break down the numbers more precisely from this dataset. The slight overcounting does not detract from the overall trend. Census data in this report comes from this survey: "US Census Bureau 2011-2015 American Community Survey 5-Year Estimates," 2015, <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2015/5-year.html> (accessed July 14, 2019).



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¹³⁰ North Tulsa is generally recognized as being the section of the city north of Interstate 244 and Admiral Boulevard. The eastern border is unclear, according to people interviewed by Human Rights Watch. For purposes of our analysis, Human Rights Watch defines North Tulsa as all areas within the city limits north of Interstate 244.

The median yearly household income for this entire area is \$28,867.¹³¹ By contrast, the six zip codes identified with South Tulsa have a total population of just over 127,000 people, and a median yearly household income almost double, at \$59,908. Median household income for black households throughout Tulsa is below \$30,000; it is above \$50,000 for white households.¹³²

Just over one-third of people living in North Tulsa are below the poverty line, and 35.7 percent are black.¹³³ Just 13.4 percent of South Tulsans are below the poverty line, and only 9.1 percent of South Tulsans are black. In North Tulsa, 36 percent of the black population and 32 percent of the white population are below the poverty line.¹³⁴

Individual zip codes within North Tulsa that have higher percentages of black residents also have higher poverty rates. Zip code 74106 is made up of 67.2 percent black residents. It has the highest poverty level of any Tulsa zip code at 41 percent.¹³⁵ Zip code 74126, just north of 74106, has the second highest percentage of black residents in Tulsa at 57.2 percent, and has a poverty level of 38.5 percent. In contrast, South Tulsa zip code 74137, with only 3.1 percent black residents, has only 7.6 percent of its population living in poverty. Overall, the black population of North Tulsa is about 48,700; the white population is 48,400.

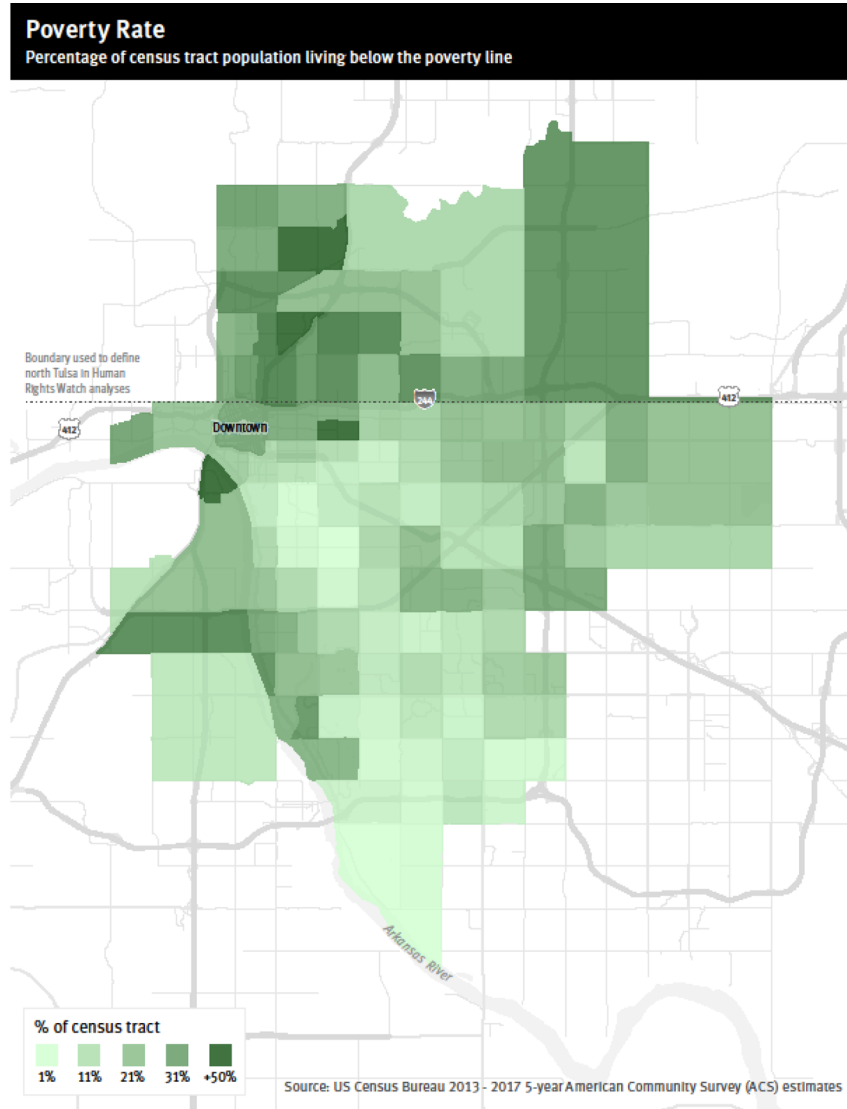
¹³¹ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 38.

¹³² Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 16. This disparity in wealth reflects a national disparity between white and black people and is not unique to Tulsa. According to an analysis of 2010 census data, median net worth for white households was \$110,729, compared to \$4,955 for black households, a more than 22-fold difference. Tami Luhby, "Worsening wealth inequality by race," *CNN/Money*, June 21, 2012, <https://money.cnn.com/2012/06/21/news/economy/wealth-gap-race/> (accessed July 14, 2019).

¹³³ Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," *Oklahoma Policy Institute*. Human Rights Watch calculated these percentages based on the population data in the OK Policy report.

¹³⁴ Human Rights Watch data analysis.

¹³⁵ Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," *Oklahoma Policy Institute*. Human Rights Watch calculated these percentages based on the population data in the OK Policy report.



Data from 2017 shows that white people made up 38 percent of all people living in poverty in Tulsa; black people were 20.7 percent; Latinos, 18.2 percent; people identified as multi-racial, 9.1 percent and Native Americans, almost 3.9 percent.¹³⁶ However, the poverty rate for black people throughout the city is about 33.5 percent, while the rate for white people is just under 13 percent.¹³⁷

North Tulsa has relatively few businesses and shopping districts, compared to other parts of the city.¹³⁸ They tend to be small and do not provide many employment opportunities.

According to a city study on inequality, South Tulsa had a two-and-a-half times greater presence of small businesses per resident than North Tulsa; East Tulsa's rate was almost double.¹³⁹ The study found that North Tulsa had many payday lenders, which typically carry extortionate rates of interest that often keep poor people trapped in debt, and few banks



A boarded-up house in North Tulsa. © 2018 John Raphling/Human Rights Watch

¹³⁶ Data USA, "Tulsa Oklahoma," 2017, <https://datausa.io/profile/geo/tulsa-ok/> (accessed July 14, 2019).

¹³⁷ World Population Review, "Tulsa, Oklahoma Population 2019," 2019, <https://bit.ly/2XecKGP> (accessed July 14, 2019).

¹³⁸ Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

¹³⁹ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 14.

that might invest in community development.¹⁴⁰ North Tulsa has large numbers of dilapidated residential and commercial properties.¹⁴¹

According to the city study, North Tulsa had the lowest labor force participation and fewest jobs of any region of the city.¹⁴² Overall unemployment, defined as the rate of individuals participating in the labor force but unable to find work, is 2.37 times higher for black than for white Tulsans.¹⁴³ The unemployment rate in North Tulsa only is 14 percent for black people and 11 percent for white people.¹⁴⁴



Boarded-up businesses in North Tulsa. © 2018 John Raphling/Human Rights Watch

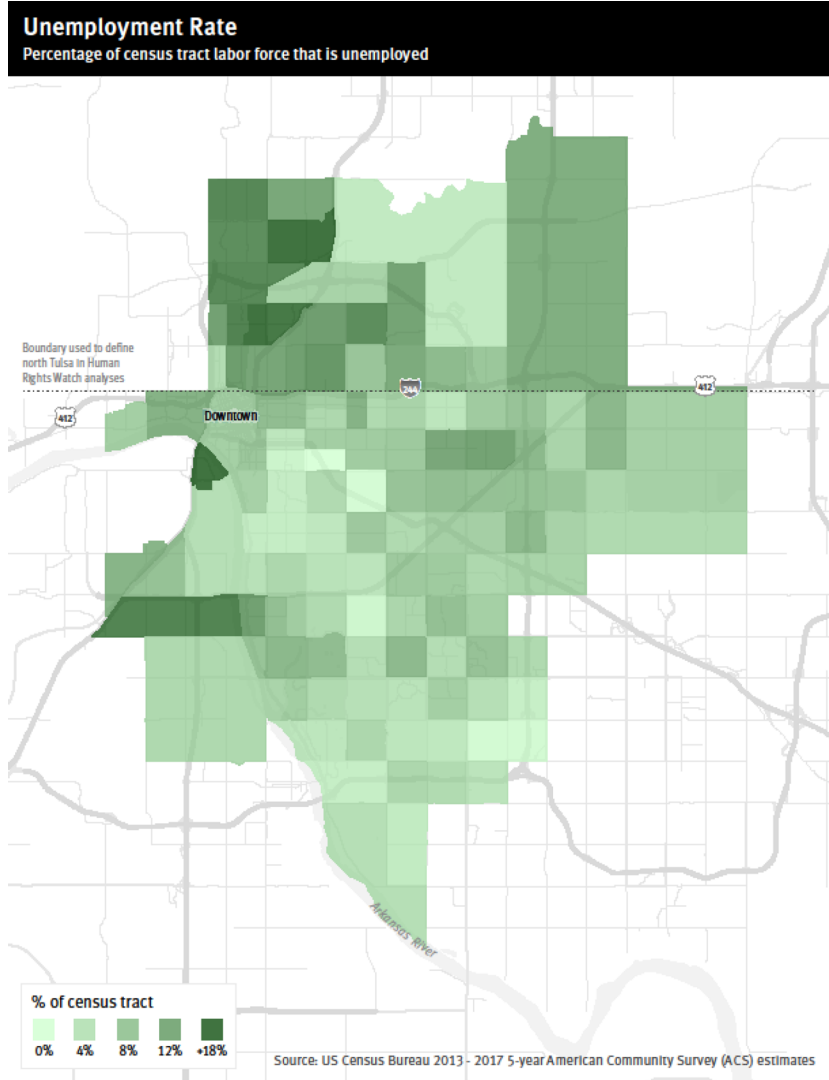
¹⁴⁰ *Ibid.*, p. 14. Payday lenders give short-term loans to poor people with strict and onerous conditions, including high interest rates. Borrowers often have to take out new loans to pay back the original loan. Their business model is to profit from people in immediate financial crisis by advancing money for rent, medical bills, car payments, court fines, bail and other survival needs. People who depend on these short-term loans get stuck in a cycle of debt that keeps them in poverty. Human Rights Watch email correspondence with Joshua Zinner, chief executive officer, Interfaith Center on Corporate Responsibility, New York, New York, November 6, 2018. On file with Human Rights Watch. East Tulsa also had high levels of payday lenders.

¹⁴¹ Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

¹⁴² Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 15. Labor force participation is defined as people either working or actively seeking employment, as opposed to those who are unable to work due to disability, age or other reasons, and those who have given up on finding employment.

¹⁴³ *Ibid.*, p. 15.

¹⁴⁴ Human Rights Watch data analysis.



Crime and law enforcement impact economic opportunities. People with criminal records face serious barriers to getting jobs.¹⁴⁵ Those coming out of jail or prison have few options and are often burdened by court-imposed debt that can result in further arrest for failure to pay, and loss of employment opportunities.¹⁴⁶

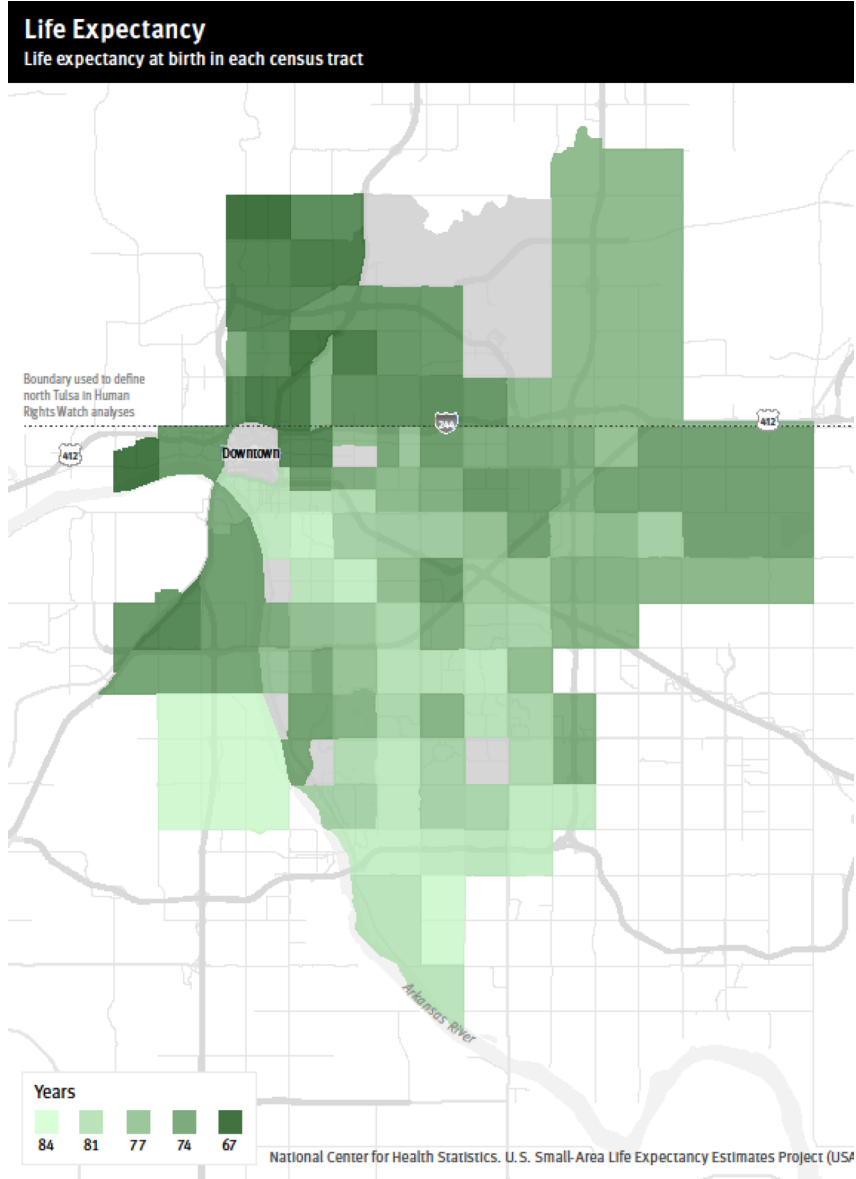
Health

Tulsa's racial and economic class segregation is reflected in differences in "quality of life" factors between different sections of the city. A 2015 study conducted by Virginia Commonwealth University's Center on Society and Health found the lowest life expectancy in Tulsa in the poorest areas with the greatest concentration of black residents.¹⁴⁷

¹⁴⁵ Human Rights Watch interview with Kristi Williams, vice chair, African American Affairs Commission, Tulsa, Oklahoma, March 20, 2018.

¹⁴⁶ Human Rights Watch telephone interview with Dr. Tiffany Crutcher, April 11, 2018; Human Rights Watch interview with LaRoy Jordan (pseudonym), Tulsa, Oklahoma, September 28, 2017, and Marcus Harrington (pseudonym), Tulsa, Oklahoma, March 21, 2018, and Solomon MacArthur (pseudonym), Tulsa, Oklahoma, September 26, 2017.

¹⁴⁷ Center on Society and Health, "Tulsa Live Expectancy Methodology and Data Table," *Virginia Commonwealth University*, <https://societyhealth.vcu.edu/media/society-health/pdf/LE-Map-Tulsa-Methods.pdf> (accessed July 14, 2019). This disparity of lifespan based on wealth is pervasive in the US. Jessica Glenza, "Rich Americans live up to 15 years longer than poor peers, studies find," *The Guardian*, April 6, 2017, <https://www.theguardian.com/us-news/2017/apr/06/us-healthcare-wealth-income-inequality-lifespan> (accessed July 14, 2019).



The North Tulsa zip code 74106, with the city's highest percentages of black population and of residents living in poverty, had an average life expectancy of 70 years.¹⁴⁸ South Tulsa zip codes 74133 and 74137, both with poverty rates below 10 percent and black populations at 7.5 percent and 3.1 percent respectively, had average lifespans of 81 years.¹⁴⁹

Throughout Tulsa, infant mortality rates for black people are almost triple that for white people.¹⁵⁰ Rates of heart disease are considerably higher, and rates of low birth weight children are nearly twice as high for black people as for white people.¹⁵¹

"Social and economic factors are well known to be strong determinants of health outcomes,"¹⁵² according to the St. Johns Health System community needs assessment, which identified nearly all of the North Tulsa zip codes as locations in Tulsa County with the greatest need.¹⁵³

Nutrition

Nutrition and access to nutritious food is an important contributing factor to the overall health of an individual and a community. The state of Oklahoma as a whole suffers from a high rate of food insecurity, with 15.5 percent of all households lacking sufficient nutrition, significantly higher than the national average.¹⁵⁴ Food insecurity and hunger, most

¹⁴⁸ Center on Society and Health, "Tulsa Live Expectancy Methodology and Data Table," *Virginia Commonwealth University*.

¹⁴⁹ The Tulsa Health Department measured a 13.8-year disparity in average lifespans between people living in the wealthy, overwhelmingly white South Tulsa 74137 zip code and the low-income, majority-black North Tulsa 74126 zip code in a study of 2000-2002 data (80.6 years vs. 66.8 years). While that difference had narrowed by about three years in a study of 2011-2013 data, other zip codes reflected widening gaps. "Narrowing the Gap," *Tulsa Health Department*, May 26, 2015, https://www.tulsa-health.org/sites/default/files/page_attachments/Life%20Expectancy%20Report.pdf (accessed July 14, 2019).

¹⁵⁰ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 29.

¹⁵¹ *Ibid.*, p. 30-31.

¹⁵² Annie Smith, "St. John Medical Center: 2016 Community Health Needs Assessment," *St. John Medical Center*, 2016, https://www.stjohnhealthsystem.com/media/file/CHNA2017/FINAL_SJMC_2016_Community_Health_Needs_Assessment_Updated.pdf (accessed July 14, 2019), p. 127. Oklahoma has among the highest percentages of people without health insurance of US states. "Health Insurance Coverage of the Total Population," *Kaiser Family Foundation*, 2019, <https://www.kff.org/other/state-indicator/total-population/?currentTimeframe=0&sortModel=%7B%22colld%22:%22Uninsured%22,%22sort%22:%22desc%22%7D> (accessed July 14, 2019).

¹⁵³ Annie Smith, "St. John Medical Center: 2016 Community Health Needs Assessment," *St. John Medical Center*, p. 128-120.

¹⁵⁴ Hunger Free Oklahoma, "Ending Hunger in Oklahoma: An assessment of food insecurity and resources in Oklahoma," April 4, 2017, <https://bit.ly/2ZkQorq> (accessed July 14, 2019), p. 10.

Lack of Grocery Stores

Instead of grocery stores with adequate supplies of fresh produce, North Tulsa has “Dollar” convenience stores that primarily sell processed foods with little nutritional value.¹⁶⁰ Activists in North Tulsa, including City Councilor Vanessa Hall-Harper, have called for regulations to limit the number of these stores. Hall-Harper and the Tulsa Economic Development Corporation are spearheading an effort to use Community Development Block Grant money to develop a traditional grocery store in a central North Tulsa location.¹⁶¹

Residents of North Tulsa now must drive great distances to get healthy food.¹⁶² Some do not own cars, while many that do are not able to afford extra gas. Some have had their licenses suspended due to warrants or criminal court debt. Driving exposes people to aggressive police enforcement tactics.

prevalent in impoverished communities, increase illness and health-care costs, decrease academic achievement and weaken the labor force, all exacerbating the existing poverty.¹⁵⁵

“Food deserts are geographic areas where grocery stores are scarce and are void of fresh produce, usually found in low-income areas.”¹⁵⁶ About 19 percent of Tulsa County residents live in areas considered “food deserts,”¹⁵⁷ and 45 percent of Tulsa’s population have low access to nutritious food.¹⁵⁸ The areas considered food deserts are primarily in North Tulsa.¹⁵⁹

¹⁵⁵ Hunger Free Oklahoma, “Ending Hunger in Oklahoma: An assessment of food insecurity and resources in Oklahoma,” p. 10-11.

¹⁵⁶ Hunger Free Oklahoma, “Oklahoma is Hungry,” <https://hungerfreeok.org/theissueoklahomaishungry/> (accessed July 14, 2019).

¹⁵⁷ Jamie LaVarnway and Effie Craven, “An Overview of Food Deserts in Oklahoma: June 2017,” *Oklahoma Food Banks*, <https://www.regionalfoodbank.org/uploads/advocacy/Food%20Desert%20Report%20FINAL.pdf> (accessed July 14, 2019), p. 5-6.

¹⁶⁰ Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017.

¹⁶¹ Kevin Canfield, “New grocery store to be built at Shoppes at Peoria,” *Tulsa World*, March 2, 2018, https://www.tulsaworld.com/business/retail/new-grocery-store-to-be-built-at-shoppes-at-peoria/article_43e6cde5-34d3-5d3f-95d2-d3bc996d01ef.html (accessed July 14, 2019).

¹⁶² Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.



A Dollar Store in North Tulsa. © 2018 John Raphling/Human Rights Watch

Education

Oklahoma schools are underfunded; Oklahoma teacher pay ranked ahead of only Mississippi and South Dakota in 2016;¹⁶³ 20 percent of the state's schools were reduced to four-day weeks in 2018 due to budget cuts.¹⁶⁴ The Tulsa schools lost 628 teachers in the

¹⁶¹ Kevin Canfield, "New grocery store to be built at Shoppes at Peoria," *Tulsa World*, March 2, 2018, https://www.tulsaworld.com/business/retail/new-grocery-store-to-be-built-at-shoppes-at-peoria/article_43e6cde5-34d3-5d3f-95d2-d3bc996d01ef.html (accessed July 14, 2019).

¹⁶² Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

¹⁶³ National Education Association, "Rankings of the States 2016 and Estimates of School Statistics 2017," May 2017, <https://bit.ly/2ZkfQFx> (accessed July 14, 2019), p. 108-109. In April 2018, teachers across the state went on strike, and pressured legislation to raise taxes to pay for additional funding, including an average \$6,100 raise. Emily Wendler, "Lawmakers Pass Rare Tax Increase For Education, But Funding Falls Short of Teachers' Demands," *StateImpact Oklahoma*, *National Public Radio (NPR)*, March 29, 2018, <https://stateimpact.npr.org/oklahoma/2018/03/29/lawmakers-pass-rare-tax-increase-for-education-but-funding-falls-short-of-teachers-demands/> (accessed July 14, 2019); Paul Waldman, "Republicans want to turn the entire country into Oklahoma," *Washington Post*, February 8, 2018, https://www.washingtonpost.com/blogs/plum-line/wp/2018/02/08/republicans-want-to-turn-the-entire-country-into-oklahoma/?utm_term=.23fbc5549d8c (accessed July 14, 2019). While this amount will help retain more teachers, Tulsa Public School officials have said that the new funding will not be enough to materially change the districts' financial situation. Samuel Hardiman, "Not going to be enough for our circumstances': School finances have changed little despite walkout," *Tulsa World*, April 28, 2018, https://www.tulsaworld.com/eedition/page-a/page_2e84d424-c117-5247-a97d-7edbf89e7c2.html (accessed July 14, 2019).

¹⁶⁴ Moriah Balingit, "Oklahoma governor compares striking teachers to 'a teenage kid that wants a better car,'" *Washington Post*, April 4, 2018, https://www.washingtonpost.com/news/education/wp/2018/04/04/oklahoma-governor-compares-striking-teachers-to-a-teenage-kid-that-wants-a-better-car/?utm_term=.cob9370aa400 (accessed July 14, 2019).

2016-2017 school year, due in large part to low salaries.¹⁶⁵ Schools lack adequate funding for textbooks and repairs.¹⁶⁶

Over the past decade, Oklahoma schools have lost 30 percent of their funding, adjusting for inflation.¹⁶⁷ The state legislature cannot raise taxes without a three-quarters majority,¹⁶⁸ making it extremely difficult to raise revenue through taxation.

Inadequate school funding negatively impacts low-income schools much more than those with wealthier student populations.¹⁶⁹ Local schools raise money from their communities and benefit from parents contributing for supplies, sports, music programs, and other activities to enrich the lives of students. Schools in very low-income communities, such as North Tulsa, lack this alternative source of income.

Along with segregated neighborhoods come segregated schools. The Tulsa area has 12 schools with greater than 75 percent black enrollment, 19 schools with greater than 50 percent black enrollment, mostly in the city of Tulsa, and 71 schools, almost all in suburban school districts, with less than 6 percent black enrollment.¹⁷⁰

The percentage of students eligible for free and reduced school lunches is often used as a proxy for the percentage of its students living in poverty. The average black student in Tulsa public schools attends a school where over 81 percent of students are eligible for free and reduced school lunch, as compared to 77 percent for the average Latino student, and 55 percent for the average white student.¹⁷¹

¹⁶⁵ Samuel Hardiman, "Far fewer Tulsa Public Schools teachers exit the district this year; proposed pay raise cited by officials," *Tulsa World*, June 22, 2018, https://www.tulsaworld.com/news/local/education/far-fewer-tulsa-public-schools-teachers-exit-the-district-this/article_925c1e1e-3e20-5515-ae4f-ba93f93b2fcd.html (accessed July 14, 2019).

¹⁶⁶ Balingit, "Oklahoma governor compares striking teachers to 'a teenage kid that wants a better car,'" *Washington Post*.

¹⁶⁷ Waldman, "Republicans want to turn the entire country into Oklahoma," *Washington Post*.

¹⁶⁸ *Ibid.*

¹⁶⁹ Janie Boschma and Ronald Brownstein, "The Concentration of Poverty in American Schools," *The Atlantic*, February 29, 2016, <https://www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/> (accessed July 14, 2019). The article quoted Stanford University professor of education Sean Reardon, saying "... [S]chool poverty turns out to be a good proxy for quality of a school.... [S]chools serving poor kids tend to have fewer resources, both economic and social capital resources."

¹⁷⁰ David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*, September 11, 2014, <https://okpolicy.org/schools-housing-poverty-thoughts-segregation-tulsa/> (accessed July 14, 2019). These numbers indicate progress from the late 1960s when Tulsa's ranked as one of the most racially segregated school systems in the country.

¹⁷¹ David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*.

High poverty schools have much greater rates of absenteeism and students are more likely to leave after one year than are students at predominantly white lower poverty schools.¹⁷² Turnover and interruption in attendance in a school make it difficult for all students to learn,¹⁷³ and reflect the stresses of poverty that greatly impact scholastic achievement, including poor health, hunger, and exposure to crime and violence.¹⁷⁴

Black students receive school suspensions at a rate 2.5 times greater than white students, and at a significantly greater rate than Latino students.¹⁷⁵ Despite recent policy changes to de-emphasize removing children from school,¹⁷⁶ which have reduced overall suspensions,¹⁷⁷ there remain significant differences in suspension, dropout, and mobility rates based on race and wealth.¹⁷⁸

These educational deficiencies, all problems in Tulsa's under-resourced, low-income public schools, are likely contributors to crime,¹⁷⁹ as young people who fail in school have

¹⁷² David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*.

¹⁷³ McLain High School, in North Tulsa, has a majority black student body with another 25 percent of students, Latino. Students miss an average of 26.7 days each school year. It has a "mobility rate" (percentage leaving the school after each year) of 83.3 percent. It has high rates of suspensions and students dropping out of school. Not surprisingly, the 10th grade achievement scores are extremely low. By contrast, Booker T. Washington High School has a 3.3 percent "mobility rate" and an absentee rate of about one-third that of McLain. Its students are suspended far less frequently and very few of them drop out of school. This school's achievement scores are about seven times higher. Office of Educational Quality and Accountability: 2017 School Profiles, "McLain HS for Science and Technology," 2017, <https://www.edprofiles.info/doc/profiles/2017/reports/src/2017721001720.pdf> (accessed July 14, 2019); Office of Educational Quality and Accountability: 2017 School Profiles, "Booker T. Washington High School," <https://www.edprofiles.info/doc/profiles/2017/reports/src/2017721001735.pdf> (accessed July 14, 2019).

¹⁷⁴ David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*.

¹⁷⁵ Civil Rights Data Collection, US Department of Education, "School and District Search: Tulsa, OK," 2015 <https://ocrdata.ed.gov/Page?t=d&eid=29907&syk=8&pid=2278> (accessed July 14, 2019).

¹⁷⁶ Editorial Writers, "Tulsa World Editorial: TPS discipline guidelines de-emphasize suspensions: TPS implements new policy," *Tulsa World*, July 22, 2016, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-tps-discipline-guidelines-de-emphasizes-suspensions/article_f37890c3-ced9-55ec-9757-1384b01e57a5.html (accessed July 14, 2019).

¹⁷⁷ Samuel Hardiman, "Tulsa Public Schools data: Special-needs students are suspended disproportionately more than others," *Tulsa World*, September 16, 2018, https://www.tulsaworld.com/news/education/tulsa-public-schools-data-special-needs-students-are-suspended-disproportionately/article_5b924efb-e959-5364-ba2d-043422f471cd.html (accessed July 14, 2019).

¹⁷⁸ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 18.

¹⁷⁹ Alliance for Excellent Education, "Crime Rates Linked to Educational Attainment, 2013 Alliance Report Finds," September 12, 2013, <https://all4ed.org/press/crime-rates-linked-to-educational-attainment-new-alliance-report-finds/> (accessed July 14, 2019).

fewer economic opportunities, are more likely to be unemployed, lack legal options for survival, and have to deal with other stresses that accompany poverty.¹⁸⁰

Police Funding in Tulsa

Tulsa devotes much of its budget to policing. Policing has accounted for about one-third of the outlays from the general fund, the city's primary operating fund,¹⁸¹ over the past five years, and accounts for by far the largest general fund outlays. By contrast, "public works and transportation" made up about 10 percent of the budget in FY18-19, and social and economic development about 4 percent.¹⁸²

When city revenues dropped significantly in FY 2014-2015, the mayor had other city departments take cuts to allow for increases in the police department.¹⁸³ Both city¹⁸⁴ and

¹⁸⁰ Brian Gentry, Rishab Mokkaapati and Kiran Rampersad, "Impact of Educational Attainment on Crime in the United States: A Cross-Metropolitan Analysis," *Georgia Institute of Technology*, November 17, 2016, https://smartech.gatech.edu/bitstream/handle/1853/56029/gentry_mokkaapati_rampersad_-_educational_attainment_and_crime.pdf (accessed July 14, 2019).

¹⁸¹ City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2017-2018," <https://www.cityoftulsa.org/media/4455/annualbudgetfy2017-2018.pdf> (accessed July 14, 2019), p. 85.

¹⁸² Human Rights Watch is not making a comparative analysis with other cities and the percentages that they spend on policing. Police funding for FY 2018 – 2019 accounted for 35.1 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2018-2019," <https://www.cityoftulsa.org/media/8388/fy18-19-annual-budget.pdf>, (accessed July 14, 2019), p. 87-90. Police funding for FY 2017 – 2018 accounted for 34.6 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2017-2018," <https://www.cityoftulsa.org/media/4455/annualbudgetfy2017-2018.pdf> (accessed July 14, 2019). Police funding for FY 2016 – 2017 accounted for 34.8 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2016-2017," <https://www.cityoftulsa.org/media/1418/fy16-17annualbudget.pdf> (accessed July 14, 2019). Police funding for FY 2015 – 2016 accounted for 34.5 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2015-2016," <https://www.cityoftulsa.org/media/2906/fy2015-16.pdf> (accessed July 14, 2019). Police funding for FY 2014 – 2015 accounted for 34 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2014-2015," <https://www.cityoftulsa.org/media/2905/fy2014-15.pdf> (accessed July 14, 2019). Police funding for FY 2013 – 2014 accounted for 31.6 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2013-2014," <https://www.cityoftulsa.org/media/2904/fy2013-14.pdf> (accessed July 14, 2019).

¹⁸³ City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2014-2015," p. 10.

¹⁸⁴ Kevin Canfield, "Opening of city's new jail scheduled for March as operating cost estimates rise," *Tulsa World*, January 3, 2018, https://www.tulsaworld.com/homepagelatest/opening-of-city-s-new-jail-scheduled-for-march-as/article_f92b88c2-4101-5077-926f-40f144e3f083.html (accessed July 15, 2019). Mayor Bynum argues that operating a separate city jail will save Tulsa the cost of paying the county to house these prisoners.

county¹⁸⁵ authorities have recently put public money into building, renovating, expanding, and operating jails.¹⁸⁶

¹⁸⁵ Jaclyn Cosgrove, "Tulsa, Oklahoma counties address jail changes, mentally ill inmates," *The Oklahoman*, January 22, 2017, <https://newsok.com/article/5535086/tulsa-oklahoma-counties-address-jail-changes-mentally-ill-inmates> (accessed July 15, 2019); "Tulsa County Voters Approve Sales Tax to Improve Jails," *Channel 9 News*, April 1, 2014, <https://bit.ly/2zQjFOH> (accessed July 15, 2019).

¹⁸⁶ A survey of police budgets in 10 major US cities for fiscal year 2017 found a range of spending from New York City, NY, spending 8.2 percent of their general fund to Oakland, CA spending 41.2 percent. Kate Hamaji, et al., "Freedom to Thrive: Reimagining Safety and Security in Our Communities," undated, <https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf> (accessed on July 14, 2019), p. 2. Chicago, IL, spent a higher percentage than Tulsa, at 38.6 percent, while Los Angeles, CA, spent 25.7 percent. Tulsa's percentage was about in the middle of the surveyed cities, though it is not possible to draw firm conclusions due to the differences in size, crime rates, poverty rates, total budgets, geography, and other factors.

The Fight for Reparations and Economic Justice in Tulsa

The 1921 “Tulsa Race Riot Commission”

For generations, the 1921 race massacre was absent from Oklahoma history books.¹⁸⁷ It was deliberately covered up and eventually disappeared from the memories of succeeding generations outside the Greenwood and North Tulsa districts.¹⁸⁸ “Oklahoma schools did not talk about it. In fact, newspapers didn’t even print any information about the Tulsa Race Riot,” US Senator James Lankford of Oklahoma said. “It was completely ignored. It was one of those horrible events that everyone wanted to just sweep under the rug and ignore.”¹⁸⁹

In fall 2020, for the first time, the Oklahoma Education Department is adding the 1921 Tulsa race massacre to its curriculum.¹⁹⁰ Over the past several decades, members of Tulsa’s black community, some descendants or relatives of descendants of the massacre, many of them now living in other parts of North Tulsa, and other community leaders, have been mobilizing to memorialize the Greenwood massacre, obtain some measure of justice for the survivors and others harmed, and repair the damage that was done.

When formed in 1997, the 11-member “Tulsa Race Riot Commission” was charged with “developing an historical record of the Tulsa Race Riot,” including identifying witnesses, gathering documents, and obtaining physical evidence.¹⁹¹ They identified 118 survivors and at least another 176 descendants of massacre victims.¹⁹² The report concluded “these were

¹⁸⁷ “Tulsa Race Riot Report,” p. 25-32.

¹⁸⁸ “Tulsa World editorial: North Tulsans need to lead memorials of Tulsa Race Massacre,” *Tulsa World*, May 26, 2019, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-north-tulsans-need-to-lead-memorials-of/article_c2e47b6f-dbc8-5d2d-8b84-a5021cfde4ca.html (accessed May 10, 2020); See also “Tulsa Race Riot Commission,” Final Report, p. 4.

¹⁸⁹ KFOR-TV and K. Query, “Oklahoma state leaders to roll out new curriculum on Tulsa Race Massacre,” *Oklahoma News 4*, February 19, 2020, <https://kfor.com/hidden-history/oklahoma-state-leaders-to-roll-out-new-curriculum-on-tulsa-race-massacre/> (accessed May 10, 2020).

¹⁹⁰ Zak Cheney-Rice, “Oklahoma Will Require Its Schools to Teach the Tulsa Race Massacre of 1921,” *New York Magazine Intelligence*, February 21, 2020, <https://nymag.com/intelligencer/2020/02/oklahoma-schools-to-teach-1921-tulsa-massacre.html> (accessed May 21, 2020).

¹⁹¹ Oklahoma Senate Bill 788, enacted November 1, 2001 (amending prior laws establishing the “Tulsa Race Riot Commission”), 48th Leg. (2001), <https://bit.ly/2yjlN43> (accessed May 10, 2020).

¹⁹² “Tulsa Race Riot Report,” p. 6.

not any number of multiple acts of homicide; this was one act of horror ... reparations are the right thing to do.”¹⁹³

The commission recommended that the state legislature, the Governor, the Tulsa mayor, and the city council take the following actions:

- Make direct payment of reparations to riot survivors and descendants;
- Create a scholarship fund available to “students affected by the riot;”
- Establish an economic development enterprise zone in the historic Greenwood district;
- Create a memorial for the riot victims and for the burial of any human remains found in the search for unmarked graves of riot victims.¹⁹⁴

Most of these recommendations have not been realized. To the extent some of them have, they have been mostly funded by private actors. The commission had no legislative authority. Following the release of the commission’s report, Oklahoma state legislators passed the “1921 Tulsa Race Riot Reconciliation Act.”¹⁹⁵ This Act adopted many of the findings of the “Tulsa Race Riot Commission,” recognizing that claims that the massacre was due to a “negro uprising” were incorrect, and acknowledging that a “conspiracy of silence” served the “dominant interests of the state,” which was eager to attract new business and settlers and for which the massacre was a “public relations nightmare.” However, while admitting the commission unearthed “strong evidence that some local municipal and county officials failed to take actions to calm or contain the situation once violence erupted and, in some cases, became participants in the subsequent violence,” and recognizing the state’s “moral responsibilities,” the Act did not admit legal culpability on the part of the state or its citizens.¹⁹⁶ Subsequently, the legislature also created a memorial fund that could receive private and public resources for the purpose of creating a memorial run by the Oklahoma Historical Society,¹⁹⁷ and the Greenwood Area

¹⁹³ “Tulsa Race Riot Report,” p. 16, 20.

¹⁹⁴ “Tulsa Race Riot Report,” p. ii and 19-20.

¹⁹⁵ 1921 Tulsa Race Riot Reconciliation Act of 2001, Okla. Sess. Law Serv. ch. 315 (West) (codified at Okla. Stat. Ann. tit. 74, § 8000.1 (3) (2002), <https://bit.ly/36gHnzs> (accessed May 1, 2020).

¹⁹⁶ “1921 Tulsa Race Riot Reconciliation Act of 2001,” 74 Okl. St. § 8000.1.

¹⁹⁷ “Tulsa Race Riot Memorial Transfer of Property—Maintenance,” 74 Okl. St. § 8206, and “Tulsa Race Riot Centennial Memorial Revolving Fund”—deposits, expenditure,” 74 Okl. St. § 8207.

Redevelopment Authority, to “facilitate the redevelopment of the Greenwood area”¹⁹⁸ as well as a scholarship fund,¹⁹⁹ but little public money has been appropriated to maintain those entities.²⁰⁰ None of the legislation provided financial compensation to survivors or descendants of survivors of the massacre.

The Call for Reparations and Legal Justice

The Tulsa Reparations Coalition (TRC) was formed on April 7, 2001,²⁰¹ and led a campaign to seek reparations through a possible lawsuit²⁰² and to convince the government, at minimum, to fully implement the “Tulsa Race Riot Commission’s” recommendations.²⁰³ They received endorsements for their call to action from individuals and organizations across the United States.²⁰⁴

In the fall of 2001, then-Oklahoma Governor Frank Keating rejected the state’s culpability in the massacre and maintained the position that Oklahoma state law prohibited reparations from being administered on the state’s behalf.²⁰⁵ In a letter to the TRC, Governor Keating wrote: “I have carefully reviewed the findings of the Tulsa Race Riot Commission and, contrary to the statement in your letter, I do not believe that it assigns culpability for the riot to the state.”²⁰⁶ The Commission’s report does, in fact, document actions by the National Guard that contributed to the massacre.

¹⁹⁸ “Creation of Greenwood Area Redevelopment Authority,” 74 Okl. St. § 8223.

¹⁹⁹ Tulsa Reconciliation Education and Scholarship Act, 70 Okl. St. §§ 2620-2626.

²⁰⁰ Liz Farmer, “Tulsa Struggles to Make Amends for a Massacre It Ignored for Nearly a Century,” *Governing*, November 2018, <https://www.governing.com/topics/public-justice-safety/gov-tulsa-black-wall-street.html> (accessed May 14, 2020); Adrian Brune, “Tulsa’s Shame,” *The Nation*, February 28, 2002, <https://www.thenation.com/article/archive/tulsas-shame/> (accessed May 14, 2020). Randy Krehbiel, “Land OK’d for race riot memorial museum,” *Tulsa World*, Feb. 22, 2003, https://www.tulsaworld.com/archive/land-okd-for-race-riot-memorial-museum/article_96713b27-79b6-52ef-bf52-f25fa3e12970.html (accessed May 26, 2020); Marie Price, “Senate Roundup: Riot memorial, centennial work funds OK’d,” *Tulsa World*, May 26, 2005, https://www.tulsaworld.com/archive/senate-roundup-riot-memorial-centennial-work-funds-okd/article_ef1513d1-0b96-582e-a6bf-9a510c24aec8.html (accessed May 26, 2020).

²⁰¹ Tulsa Reparations Coalition, “About Tulsa Reparations,” undated, <https://web.archive.org/web/20131213005258/http://tulsareparations.org/TRC.htm> (accessed May 14, 2020).

²⁰² Adrian Brune, “Tulsa’s Shame,” *The Nation*.

²⁰³ Tulsa Reparations Coalition, “TRC Statement of Endorsement,” undated, <https://web.archive.org/web/20140423170245/http://www.tulsareparations.org/endorseTRC.htm> (accessed May 14, 2020); see also Unitarian Universalist Association, “Reparations for the 1921 Tulsa, OK Race Riot – 2001 Action of Immediate Witness,” undated, <https://www.uua.org/action/statements/reparations-1921-tulsa-ok-race-riot> (accessed May 14, 2020).

²⁰⁴ Ibid.

²⁰⁵ Adrian Brune, “Tulsa’s Shame,” *The Nation*.

²⁰⁶ Ibid.

Subsequently, the TRC enlisted the support of the Reparations Coordinating Committee,²⁰⁷ a group of lawyers seeking to administer legal reparatory justice.²⁰⁸ In 2003, nearly two years after the “Tulsa Race Riot Commission” issued its final report, a legal team—including Charles Ogletree Jr., Johnnie Cochran Jr., and other prominent US civil rights lawyers—sued the city of Tulsa, the Tulsa Police Department, and the state of Oklahoma on behalf of more than 200 survivors and descendants of victims of the 1921 Tulsa Race Massacre.²⁰⁹

Lawyers argued that the survivors and descendants were entitled to “restitution and repair,” for the injuries due to the action or inaction of Tulsa and Oklahoma officials during and following the massacre.²¹⁰ Specifically, they alleged that they had been physically or emotionally injured or that their relatives had been killed, and that they or their relatives, had personal property that was burned, looted, or otherwise destroyed. They held the defendants responsible because they “routinely under-investigated, under-responded, undercharged, mishandled and failed to protect Plaintiffs from a series of criminal acts or prosecute those responsible for such acts.”²¹¹

The US District Court for the Northern District of Oklahoma dismissed the case based on the statute of limitations. The plaintiffs acknowledged that Oklahoma’s two-year statute of limitations for civil actions applied but argued that a “conspiracy of silence” surrounding the massacre and its aftermath delayed the accrual of their claims until issuance of the “Tulsa Race Riot Report” in February 2001.²¹² The court found that extraordinary circumstances sufficient to toll the statute of limitations existed. These included: a limited ability to obtain facts, fear of a repeat of the “riot,” inequities in the justice system, Ku Klux Klan domination in the courts, and the Jim Crow era. However, finding “no comfort or satisfaction in the result,” it held that those circumstances dissipated in the 1960s.²¹³

²⁰⁷ Michael T. Martin and Marilyn Yaquinto, *Redress for Historical Injustices in the United States: On Reparations for Slavery, Jim Crow, and Their Legacies*, (Duke University Press: 2007), p. 13.

²⁰⁸ Emily Newburger, “Breaking the Chain,” *Harvard Law Today*, July 1, 2001, <https://today.law.harvard.edu/feature/breaking-chain/> (accessed April 6, 2020).

²⁰⁹ Randy Krehbiel, “Suit filed for riot survivors,” *Tulsa World*, February 25, 2003, https://www.tulsaworld.com/archive/suit-filed-for-riot-survivors/article_4134547f-8239-5c91-a1a9-febd9ddd756a.html (accessed May 8, 2020).

²¹⁰ Amended Complaint, *Alexander v. Oklahoma*, US District Court Northern District of Oklahoma, filed April 29, 2003, case No. 4:2003-cv-00133, para 2. (on file with Human Rights Watch).

²¹¹ *Alexander v. Oklahoma*, U.S. Dist. LEXIS 5131, at *3 (N.D. Okla. Mar. 19, 2004).

²¹² *Ibid.*, at 24.

²¹³ *Ibid.*, at 31.

Later that year, an appellate court affirmed that opinion, noting that it too took “no great comfort” in the decision, and that sometimes statutes of limitations “make it impossible to enforce what were otherwise perfectly valid claims.”²¹⁴ In 2005, the US Supreme Court declined to hear the case without comment.²¹⁵

Despite these setbacks, descendants of the survivors of the massacre, their relatives, and others, continue to press their claims for justice. Authorities are also taking some steps to address the massacre’s legacy. In 2017, as the 100th year since the Tulsa massacre approached, Tulsa Mayor G.T. Bynum and Oklahoma US Senator Kevin Matthews, announced the formation of the Tulsa Race Massacre Centennial Commission.²¹⁶



Black Wall Street Mural. © Dreisen Heath/Human Rights Watch

²¹⁴ *Alexander v. Oklahoma*, 382 F.3d 1206, 1220 (10th Cir. 2004).

²¹⁵ *Alexander v. Oklahoma*, 544 U.S. 1044 (2005), cert. denied. See also, Chris Castel and Jay Marks, “Race-riot recourse blocked Supreme Court refuses appeal after decisions,” *The Oklahoman*, May 17, 2005, <https://oklahoman.com/article/2896719/race-riot-recourse-blocked-br-supreme-court-refuses-appeal-after-decisions?> (accessed April 6, 2020); See also, Javier C. Hernandez, “Court Rejects Reparations Case,” *The Harvard Crimson*, May 23, 2005, <https://www.thecrimson.com/article/2005/5/23/court-rejects-reparations-case-the-us/> (accessed April 6, 2020).

²¹⁶ Randy Krehbiel, “Tulsa Race Riot Centennial Commission announced,” *Tulsa World*, February 21, 2017.

The Centennial Commission delegated responsibility to five unique committees to develop meaningful initiatives for Greenwood residents;²¹⁷ they worked with Tulsa Public Schools to develop a curriculum on the Tulsa Massacre and sponsored the installation of a Black Wall Street Mural near the Greenwood Cultural Center.²¹⁸ This center, opened in 1995, offers educational and cultural programming, and describes itself as the “keeper of the flame for the Black Wall Street era.”²¹⁹ One of the Centennial Commission’s main projects for the district is the Greenwood Cultural Center’s renovation and expansion.

The Greenwood Rising History Center, originally designed to be constructed next to the Greenwood Cultural Center, will now be built on the corner of Greenwood and Archer,



The Greenwood Cultural Center. © 2019 Dreisen Heath/Human Rights Watch

²¹⁷ Tulsa Race Massacre Centennial Commission, “Committees,” undated, <https://www.tulsa2021.org/committees> (accessed April 7, 2020).

²¹⁸ Tulsa Race Massacre Centennial Commission, “Accomplishments,” undated, <https://www.tulsa2021.org/accomplishments> (accessed April 7, 2020); Samantha Vicent, “Mural near Greenwood Cultural Center honors Black Wall Street,” *Tulsa World*, June 1, 2018, https://www.tulsaworld.com/news/local/mural-near-greenwood-cultural-center-honors-black-wall-street/article_589ad151-5847-502a-9dae-b22583fdd352.html (accessed April 7, 2020).

²¹⁹ Greenwood Cultural Center, “About Us,” 2019, <https://greenwoodculturalcenter.com/about-us> (accessed April 7, 2020).

thanks mostly to private donations (including a land donation), as well as state funding and money from local taxes.²²⁰



Soil collected on the grounds where massacre victim, Greg Alexander, 35, was killed.

© 2019 Dreisen Heath/Human Rights Watch

Reverend Robert Turner of the historic Vernon African Methodist Episcopal (AME) church, damaged in the massacre, embarks on a reconciliatory pilgrimage of sorts from Vernon AME to Tulsa City Hall every Wednesday, demanding “reparations now.”²²¹ Turner and others support the reintroduction of a bill, H.R. 98, the John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act, initially introduced in the US House of Representatives in 2013, which would create a new federal cause of action for harms resulting from the deprivation of rights during the Tulsa race massacre or its aftermath against responsible parties for five years following passage

²²⁰ Kevin Canfield, “Greenwood Rising History Center building should be in place by 1921 Tulsa Race Massacre centennial,” *Tulsa World*, March 10, 2020, https://www.tulsaworld.com/news/local/racemassacre/greenwood-rising-history-center-building-should-be-in-place-by-1921-tulsa-race-massacre-centennial/article_0949ec5b-b10c-5812-801b-14a7b1e0c013.html (accessed May 27, 2020); “The commission’s initial goal was to raise \$16 million. The figure has increased to \$30 million, \$21 million of which has already been raised, Armstrong said. That figure includes \$5.34 million approved by voters last year for the cultural center, and \$1.5 million in state funding. The rest of the funding has come from individual, corporate and foundation donations.” See also, Tulsa World Editorial Writers, “Tulsa World editorial: Keep Greenwood Rising History Center in the Greenwood District,” *Tulsa World*, April 27, 2020, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-keep-greenwood-rising-history-center-in-the-greenwood-district/article_0780e429-7ad8-543f-acf5-4e95cf48ad37.html (accessed May 26, 2020); see also Emory Bryan, “Greenwood Rising History Center Gets New Location,” *News 9*, April 29, 2020, <https://www.news9.com/story/5ea9920d8e3f8714b2393844/greenwood-rising-history-center-gets-new-location> (accessed May 21, 2020); see also, BWS Times Staff, “Hille Foundation donates lot for Greenwood Rising History Center,” *Black Wall Street Times*, April 27, 2020, <https://theblackwallstreettimes.com/2020/04/27/hille-foundation-donates-lot-for-greenwood-rising-history-center/> (accessed May 21, 2020).

²²¹ Harrison Grimwood, “‘It is a crime scene’: Demonstrators call for reparations, repentance for 1921 Tulsa Race Massacre,” *Tulsa World*, October 9, 2019, https://www.tulsaworld.com/news/local/racemassacre/it-is-a-crime-scene-demonstrators-call-for-reparations-repentance/article_e4216fff-d87a-5883-b469-daf4b83d6862.html (accessed May 9, 2020); see also, Kimberly Jackson, “Mayor says reparations would divide the city, focuses on development,” *KTUL*.

of the Act.²²² They also support a petition calling on the state to pass legislation to clear legal hurdles to civil lawsuits related to the 1921 massacre.²²³

In May 2021, the Tulsa Community Remembrance Coalition will erect the first comprehensive, public memorial honoring the victims of the 1921 massacre on the grounds of Vernon African Methodist Episcopal (AME) church, which has since been rebuilt.²²⁴ The memorial will be funded entirely by private donations.²²⁵



The Tulsa Community Remembrance Coalition invites community members to collect soil from sites where lynching's took place during the Tulsa Massacre as personal memorials and public witness to these crimes.

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²²² John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2013, H.R.98, 113th Cong. (2003) <https://www.congress.gov/bills/113/congress/house-bills/98/text> (accessed May 9, 2020).

²²³ Human Rights Watch telephone interview with Reverend Robert Turner, historic Vernon A.M.E. Church, May 18, 2020.

²²⁴ Black Wall Street Memorial: 10,000 Bricks Campaign, home page, undated, <https://www.thatsmybrick.com/blackwallst> (accessed April 7, 2020); Black Wall Street Memorial, home page, undated, <https://blackwallstreetmemorial.com/> (accessed April 7, 2020).

²²⁵ Human Rights Watch telephone interview with Dr. Tiffany Crutcher, Tulsa Community Remembrance Coalition, May 22, 2020. In the recommendations section (see below), Human Rights Watch recommends that the city of Tulsa consider financing the Tulsa Community Remembrance Coalition's privately funded \$3 million campaign to construct Tulsa's first comprehensive memorial or, at minimum, consider donating to the campaign.

In 1998, consultants to the commission began a limited investigation into the potential presence of mass graves at three locations.²²⁶ In 1999, a white man who was 10 at the time of the massacre came forward to say that after the massacre he saw white men digging trenches near one of the three locations, Oaklawn Cemetery, and that when he peaked inside crates nearby he saw the charred bodies of black men.²²⁷ Based on this information, further investigation was authorized but



On Oct. 7, 2019 photo, Kristi Williams, left, and Chief Egunwale Amusan, members of the Mass Graves Public Oversight Committee, view a cemetery map during a search for possible mass burial graves from Tulsa's 1921 Race Massacre at Oaklawn Cemetery in Tulsa, Oklahoma.
© 2019 Mike Simons/Tulsa World via AP

not pursued directly after the commission issued its report.²²⁸ In 2018, after being questioned about a report published in the *Washington Post*,²²⁹ exposing unresolved questions surrounding the massacre and the failure to investigate the existence of mass graves,²³⁰ Mayor Bynum said he would restart it.²³¹ In early 2020, investigators were scheduled to begin excavation in the area of Oaklawn Cemetery but at the time of this writing it had been postponed due to the Covid-19 pandemic.²³²

²²⁶ DeNeen L. Brown, "Tulsa mayor reopens investigation into possible mass graves from 1921 race massacre," *Washington Post*, October 3, 2018, https://www.washingtonpost.com/local/tulsa-mayor-reopens-investigation-into-possible-mass-graves-from-1921-race-massacre/2018/10/02/df713c96-c68f-11e8-b2b5-79270f9cce17_story.html (accessed May 9, 2020).

²²⁷ "Tulsa Race Riot Report," p. 130.

²²⁸ DeNeen L. Brown, "They were killing black people," *Washington Post*, September 29, 2018, https://www.washingtonpost.com/news/local/wp/2018/09/28/feature/they-were-killing-black-people/?hpid=hp_hp-top-table-main-black-people%3Ahomepage%2Fstory&hpid=hp_hp-top-table-main-black-people%3Ahomepage%2Fstory (accessed May 9, 2020);

²²⁹ DeNeen L. Brown, "Tulsa mayor reopens investigation into possible mass graves from 1921 race massacre," *Washington Post*, October 3, 2018, https://www.washingtonpost.com/local/tulsa-mayor-reopens-investigation-into-possible-mass-graves-from-1921-race-massacre/2018/10/02/df713c96-c68f-11e8-b2b5-79270f9cce17_story.html (accessed May 9, 2020).

²³⁰ DeNeen L. Brown, "They were killing black people," *Washington Post*.

²³¹ DeNeen L. Brown, "Tulsa mayor reopens investigation into possible mass graves from 1921 race massacre," *Washington Post*.

²³² "1921 Graves Test Excavation Postponed Amid COVID-19 Threat," *Black Wall Street Times*, March 24, 2020, <https://theblackwallstreettimes.com/2020/03/24/1921-graves-test-excavation-postponed-amid-covid-19-threat/> (accessed April 3, 2020). See also, Stetson Payne, "Tulsa Race Massacre graves committee meets again tonight," *Tulsa World*, March 2, 2020 https://www.tulsaworld.com/news/local/tulsa-race-massacre-graves-committee-meets-again-tonight/article_8d939dd0-9942-5a2b-979d-ba412d0248d3.html#12 (accessed April 3, 2020).

The Tulsa Chamber of Commerce has recently apologized for its actions in the wake of the massacre; it also donated copies of minutes from its 1921 meetings to the Greenwood Cultural Center.²³³

Tulsa's Economic Development Plans

Tulsa has undertaken programs supposedly aimed at revitalizing and developing economic opportunities in the Greenwood area. In 2009, former Tulsa Mayor Kathy Taylor, announced the development of "ONEOK Field," a minor league baseball stadium, aimed at continuing the "redevelopment of downtown Tulsa and the revitalization of the historic Greenwood District."²³⁴

Current Tulsa Mayor Bynum is supporting a plan to bring a BMX Olympic arena and headquarters to Greenwood, a plan he says will bring job and other opportunities to black Tulsans in the area.²³⁵ The plan includes significant public funding.²³⁶ When asked about reparations, Mayor Bynum said he prefers to focus attention on the money that the city is putting into building and development of areas near historic Greenwood.²³⁷

But community members do not necessarily agree that this approach will help them. North Tulsa and Greenwood community leaders have raised concerns that businesses and political leaders developing the Greenwood area are not doing enough to preserve black

²³³ "Tulsa World editorial: Tulsa Regional Chamber makes public act of atonement concerning what happened after the 1921 race massacre," *Tulsa World*, March 29, 2019, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-tulsa-regional-chamber-makes-public-act-of-atonement-concerning-what-happened-after/article_c641afc4-bf10-5be4-94ba-8bd1bbc4b51a.html (accessed May 27, 2020). It describes the Executive Welfare Committee as being part of the Chamber of Commerce.

²³⁴ "ONEOK FIELD IS NAME OF NEW DOWNTOWN TULSA BALLPARK," January 12, 2009, <https://ir.oneok.com/news-and-events/press-releases/archive/01-12-2009> (accessed April 3, 2020).

²³⁵ City of Tulsa, "USA BMX to Open Headquarters and Facilities in Historic Greenwood District in 2019; Signs Agreement to Stay in Tulsa for Next 30 Years," archived July 21, 2018, <https://www.cityoftulsa.org/press-room/usa-bmx-to-open-headquarters-and-facilities-in-historic-greenwood-district-in-2019-signs-agreement-to-stay-in-tulsa-for-next-30-years/> (accessed May 9, 2020).

²³⁶ Kevin Canfield, "After delays, city to break ground on BMX facilities Friday," *Tulsa World*, November 11, 2019, https://www.tulsaworld.com/news/local/government-and-politics/after-delays-city-to-break-ground-on-bmx-facilities-friday/article_da277d83-98a2-512d-8f64-8a22dd174792.html (accessed May 9, 2020).

²³⁷ Kimberly Jackson, "Mayor says reparations would divide the city, focuses on development," *KTUL*, February 20, 2020, https://ktul.com/news/local/mayor-says-reparations-would-divide-the-city-focuses-on-development?fbclid=IwAR3PAof5SkkkITSooB8_YkXqwNaqWtdWTT5C5gImDrwOHPxjWh1vQS_bEnx5Y (accessed May 9, 2020).

culture in the historic area,²³⁸ making it unaffordable for many black Tulsans, and not prioritizing economic opportunities for them.²³⁹ J. Kevin Ross, from the *Oklahoma Eagle Newspaper*, a black-owned publication that has been located in Greenwood since 1936, described survivors and descendants having to withstand the legacy of displacement in Tulsa, especially in Greenwood.²⁴⁰ “With gentrification—we say, now you want to take an interest in Greenwood and pimp our history? And you are going to build these apartments down here, and you know darn well we are not going to spend \$1,000 for a closet room,” Ross said. “We will never be able to afford to live in Greenwood.”²⁴¹

According to data analysis by the Institute on Metropolitan Opportunity at the University of Minnesota Law School (see below), there are net declines in low-income populations (at or below 200 percent of the federal poverty line), as well as the black population, in the historic Greenwood district, downtown Tulsa, and surrounding areas a little further north and east—including the Tulsa Arts and Blue Dome districts.²⁴² The analysis also shows areas further north and east in Tulsa have higher concentrations of low-income people.²⁴³ The data suggests that Greenwood’s residents are being displaced to areas further from downtown and out of the historic Greenwood District.²⁴⁴

²³⁸ Nate Morris, “Tulsa’s Black History Being Erased? Concern grows over the rapid gentrification of Greenwood,” *Black Wall Street Times*, February 26, 2019, <https://theblackwallsttimes.com/2019/02/26/tulsas-black-history-being-erased-concern-grows-over-the-rapid-gentrification-of-greenwood/> (accessed May 9, 2020).

²³⁹ Kendrick Marshall, “‘Signs of Gentrification’: Greenwood community worries residents being pushed out, history disrespected,” *Tulsa World*, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out-history-disrespected/article_267776fe-ac92-57ef-ao48-5e1eoc72ae8o.html (accessed May 9, 2020); DeNeen L. Brown, “They was killing black people,” *Washington Post*; Nate Morris, “Tulsa’s Black History Being Erased? Concern grows over the rapid gentrification of Greenwood,” *Black Wall Street Times*.

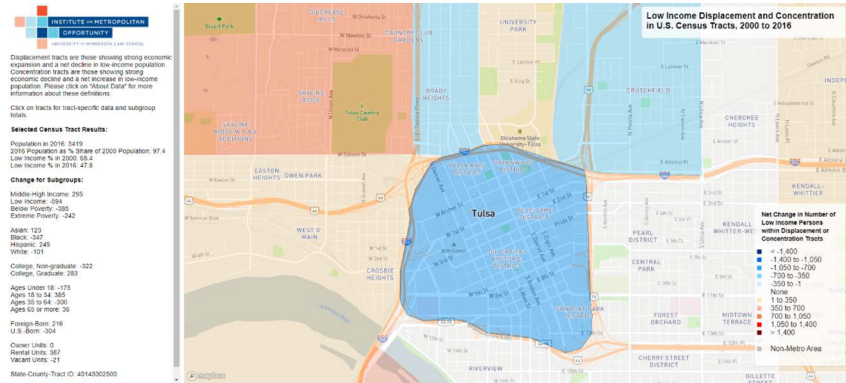
²⁴⁰ DeNeen L. Brown, “They was killing black people,” *Washington Post*.

²⁴¹ *Ibid.*

²⁴² “Low Income Displacement and Concentration in U.S. Census Tracts, 2000 to 2016,” Institute on Metropolitan Opportunity, University of Minnesota Law School, 2019, <https://myottetm.github.io/USMapBoxIMO/USLwDispConc.html> (accessed May 3, 2020); see also more information regarding the study, “American Neighborhood Change in the 21st Century: Gentrification and Decline,” Institute on Metropolitan Opportunity, University of Minnesota Law School, 2019, <https://www.law.umn.edu/institute-metropolitan-opportunity/gentrification> (accessed May 27, 2020).

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*



This map shows greater net change in displacement of low-income populations in Greenwood, suggesting it is getting more expensive to live there, and greater net change in concentration of low-income populations in parts of north Tulsa.

© 2019 Institute on Metropolitan Opportunity, University of Minnesota Law School

Ricco Wright, owner of the Black Wall Street Gallery near historic Greenwood,²⁴⁵ said the new coffee shops, boutiques, and new cycling studio, are examples of “gentrification that has infringed upon the Greenwood District over the years and slowly robbed the area of its once proud African American history.”²⁴⁶

In 2019, hundreds of residents attended a meeting at which city council members discussed recent development plans for North Tulsa—labeled the “Greenwood-Unity Heritage Neighborhoods Sector Urban Renewal Plan”—that apparently included plans to take some property in the area by eminent domain.²⁴⁷ So many people showed up for the meeting that Fire Marshals prevented people from entering as they would have exceeded

²⁴⁵ Dr. Ricco Wright, website, undated, <https://riccowright.com/> (accessed May 3, 2020).

²⁴⁶ Kendrick Marshall, “Signs of Gentrification: Greenwood community worries residents being pushed out, history disrespected,” *Tulsa World*, June 6, 2019, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out/article_267776fe-ac92-57ef-ao48-5e1e0c72ae80.html (accessed March 28, 2020).

²⁴⁷ Chad Neal, “Tulsa North Showed Up and Spoke Adamant Against TDA’s Plan In The City’s Urban Renewal Plan,” *Oklahoma Eagle*, March 29, 2019, <http://theoklahomaeagle.net/2019/03/29/tulsa-north-showed-up-and-spoke-adamant-against-tdas-plan-in-the-citys-urban-renewal-plan/> (accessed May 21, 2020).

the building's 217-person capacity. Scores of angry residents stood in the lobby outside the chamber, and crowds remained outside the doors of city hall itself.²⁴⁸ North Tulsa residents expressed opposition to the city's amended plans to use eminent domain to seize their property, displacing residents.²⁴⁹

Brenda Nails-Alford, a resident of North Tulsa who attended the meeting, said that her ancestors lost their property in the 1921 race massacre and, again, during urban renewal efforts. She said she feared being displaced from her current home: "as a third-generation to uphold it, I am very, very upset that [the Tulsa Development Authority] want[s] to take it," she said. "It is the one thing that you left us, and we will not give it up."²⁵⁰

After the meeting, the Tulsa Development Authority (TDA) suspended its plans.

The Greenwood Chamber of Commerce, a local non-profit organization, is trying to raise \$1 million to preserve the last 10 buildings of the original Black Wall Street on Greenwood Avenue.²⁵¹ The National Park Service recently awarded the non-profit \$500,000 toward their fundraising goal as a part of their grant initiative to preserve black sites and history across the United States.²⁵²

However, in 2018, members of the Black business community established the Black Wall Street Chamber of Commerce (BWSCC) as an alternative to the Greenwood Chamber of Commerce, which they felt was not meeting their needs.²⁵³ Founders also aimed to bolster

²⁴⁸ Ibid.

²⁴⁹ Chad Neal, "Tulsa North Showed Up and Spoke Adamant Against TDA's Plan In The City's Urban Renewal Plan," *Oklahoma Eagle*, March 29, 2019, <http://theoklahomaeagle.net/2019/03/29/tulsa-north-showed-up-and-spoke-adamant-against-tdas-plan-in-the-citys-urban-renewal-plan/> (accessed May 21, 2020).

²⁵⁰ Chad Neal, "Tulsa North Showed Up and Spoke Adamant Against TDA's Plan In The City's Urban Renewal Plan," *Oklahoma Eagle*.

²⁵¹ CNN Wire, "A group in Tulsa hopes to rebuild 'Black Wall Street,' destroyed in a bloody 1921 race massacre," *Fox 61*, January 14, 2020, <https://www.fox61.com/article/news/a-group-in-tulsa-hopes-to-rebuild-black-wall-street-destroyed-in-a-bloody-1921-race-massacre/520-21568b09-c83d-4e3c-baf2-30fa9b226de9> (accessed May 2, 2020); Chris Polansky, "Greenwood District Nonprofit Receives \$500K Federal Grant In Advance Of Race Massacre Centennial," *Public Radio Tulsa*, April 8, 2020, <https://www.publicradiotulsa.org/post/greenwood-district-nonprofit-receives-500k-federal-grant-advance-race-massacre-centennial> (accessed May 2, 2020).

²⁵² National Park Service, press release, "National Park Service Announces \$14 Million in Grants to Preserve African American Civil Rights," April 6, 2020, <https://www.nps.gov/orgs/1207/04-06-2020-nps-announces-african-american-civil-rights-grants.htm> (accessed May 2, 2020).

²⁵³ BWS Times Staff, "Sherry Gamble-Smith and the Black Wall Street Chamber of Commerce," *Black Wall Street Times*, September 9, 2019,



A sign commemorating the business and professional enterprises a part of the prosperous black entrepreneurial mecca, Oklahoma's Greenwood District, aka "Black Wall Street."

© 2019 Dreisen Heath/Human Rights Watch

black entrepreneurship in the area and help rebuild Black Wall Street.²⁵⁴ Tulsa City Councilor Vanessa Hall-Harper, also Membership Committee & Power Group Chair for the BWSCC,²⁵⁵ told the *Tulsa World* that she and others started the BWSCC to raise money to rebuild Black Wall Street and the surrounding North Tulsa community. The funds raised will be "used to buy back land based on the wants and needs of the community."²⁵⁶ Many are hopeful for an authentic rebuilding and economic development effort, but others say too much damage has been done to Black Wall Street and Greenwood to revive it back to the thriving hub it once was.²⁵⁷

The historic Greenwood district offered proof that black people could create economic opportunity, in the shadows of systematic oppression and white supremacy. Greenwood's

<https://theblackwallsttimes.com/2019/09/09/sherry-gamble-smith-and-the-black-wall-street-chamber-of-commerce/> (accessed March 28, 2020).

²⁵⁴ Ibid. See also, Black Wall Street Chamber of Commerce, home page, undated <https://www.bwschamber.com/> (accessed March 28, 2020).

²⁵⁵ Black Wall Street Chamber of Commerce, "Board of Directors," <https://www.bwschamber.com/board-of-directors> (accessed May 27, 2020).

²⁵⁶ Kendrick Marshall, "'Signs of Gentrification': Greenwood community worries residents being pushed out, history disrespected," *Tulsa World*.

²⁵⁷ Ibid.

restoration was left in the hands of massacre survivors nearly 100 years ago and today their descendants and other community members are left fighting to preserve what is left.

Thus far, the city's recent development efforts have fallen short of delivering on promises of economic benefits for Tulsa's black citizens. Without significant and concrete actions and investment, informed by the community's wishes, to repair the cumulative losses of the black community in Tulsa, the legacy of the massacre and its aftermath will persist.

International Human Rights Law and Past Reparations Examples

Right to an Effective Remedy and the Tulsa Race Massacre

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), both of which guarantee the right to an effective remedy for human rights violations, including acts of racial discrimination.²⁵⁸

This right requires that governments ensure access to justice, truthful information about the violation, and reparation.²⁵⁹

Victims of gross violations of human rights, like the Tulsa Race Massacre, should receive full and effective reparations that are proportional to the gravity of the violation and the harm suffered.²⁶⁰ The failure to provide such a remedy itself does continuing harm. As noted in the preamble to the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, “in honouring the victims’ right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law.”²⁶¹

Reparation includes the following:

²⁵⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by the United States September 8, 1992, art. 2, and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by the United States November 20, 1994, art. 6. UN Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation on States Parties to the Covenant (Eightieth session, 2004), U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15.

²⁵⁹ UN Human Rights Committee, General Comment No. 31, paras 15 et seq; “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” General Assembly Resolution 60/147 of 16 December 2005, <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx> (accessed May 27, 2020) (hereinafter “Basic Principles”), para. 11.

²⁶⁰ Basic Principles, para. 18.

²⁶¹ Basic Principles, Annex, preamble.

- **Restitution:** measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.²⁶²
- **Compensation:** monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.²⁶³
- **Rehabilitation:** provision of “medical and psychological care as well as legal and social services.”²⁶⁴
- **Satisfaction:** includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, and expressions of regret or formal apology for wrongdoing.²⁶⁵
- **Guarantees of non-repetition:** includes institutional and legal reform as well as reforms to government practices to end the abuse.²⁶⁶

States should “provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law.”²⁶⁷

The Tulsa Race Massacre and surrounding events led directly to the loss of hundreds of lives, loss of liberty, substantial personal and business property loss, and damage to objects of cultural significance. Compounding inequalities stemming from the massacre led to lower life expectancy, increased need for mental health services, loss of economic opportunity, and other harms to community members over decades.

Yet the victims of the massacre have yet to receive an effective remedy.

Existing judicial mechanisms have failed to provide that remedy in part due to the statute of limitations. But international human rights standards provide that such statutes of limitations should not be unduly restrictive—applying a statute of limitations to limit remedies in cases of gross violations of human rights is particularly problematic.²⁶⁸

²⁶² See Basic Principles, para. 19.

²⁶³ Ibid., para. 20.

²⁶⁴ Ibid., para. 21.

²⁶⁵ Ibid., para. 22.

²⁶⁶ Ibid., para. 23.

²⁶⁷ Ibid., para. 15.

²⁶⁸ Ibid., paras 6 and 7.

The local and state governments have also failed to provide effective remedies to the victims for the harm suffered due to the government's role in the massacre, as provided by international standards.²⁶⁹ To the contrary, the "Tulsa Race Riot Commission" report, as well as other sources, document numerous instances where city and state officials intentionally blocked social and economic restoration efforts in the aftermath of the massacre for black Tulsans in North Tulsa, including Greenwood.

In situations where those responsible cannot or will not provide reparation, governments—in this case including the US government—should endeavor to establish reparation programs and support victims.²⁷⁰

According to the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and racial intolerance, "...historical violations continue [] to impede the enjoyment of human rights."²⁷¹

This has been the case in Tulsa, where the massacre and surrounding events set the stage for decades of systematic disinvestment in Greenwood and North Tulsa's black and poor communities. Black and low-income people in Tulsa do not maintain an adequate standard of living and "reinvestment" efforts near and around the Greenwood area have contributed to the decline of social services, employment opportunities, affordable housing, access to medical care, and adequate access to food for black and low-income people who reside there.

²⁶⁹ Ibid., para 15.

²⁷⁰ Ibid., para 16 ("[National governments] should endeavor to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.").

²⁷¹ United Nations General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262, August 21, 2019, <https://undocs.org/A/74/321>, (accessed May 27, 2020), para. 26.

The US federal government as well as state and local governments have made reparations in the past to victims of human rights violations.²⁷² The state of Florida issued reparations for survivors of a massacre²⁷³ similar to Tulsa's, as well as to their descendants.

Reparations for Slavery

The victims of the Tulsa Race Massacre deserve access to an effective remedy for the harms they have suffered. At the same time, it is important that the United States go beyond reparations in this specific case.

The Tulsa Race Massacre occurred in a context of systemic racism rooted in the US history of slavery, segregation, discrimination, oppression, and violence against black people. The massacre compounded the existing inequality in the system, doing devastating harm to

²⁷² Survivors of the 1923 Rosewood Race Massacre, and their heirs (who received a scholarship fund), became the first group of victims of a racial massacre in the US to be compensated for their material losses. Jerry Fallstrom, "Senate Oks \$2.1 Million for Rosewood Reparations," April 9, 1994 <https://www.sun-sentinel.com/news/fl-xpm-1994-04-09-9404080701-story.html> (accessed April 3, 2020); Robert Samuels, "After reparations: How a scholarship helped – and didn't help – descendants of victims of the 1923 Rosewood racial massacre," *Washington Post*, April 3, 2020, <https://www.washingtonpost.com/graphics/2020/national/rosewood-reparations/> (accessed April 7, 2020). During World War II, the US relocated and detained more than 110,000 citizens and non-citizens of Japanese ancestry in various locations in the US. Through the Civil Liberties Act of 1988, the federal government gave each surviving detainee \$20,000 in compensation: Human Rights Watch, *No More Excuses: A Roadmap to Justice for CIA Torture*, https://www.hrw.org/sites/default/files/report_pdf/us1215web.pdf, pp. 105-106. See also Civil Liberties Act of 1988, 50 App. U.S.C. § 1989(a) and 1989b-4(a)(1); Michael Isikoff, "Delayed Reparations and An Apology," *Washington Post*, October 10, 1990, <https://www.washingtonpost.com/archive/politics/1990/10/10/delayed-reparations-and-an-apology/bed88529-ba5d-41de-a913-48362ec779bc/> (accessed April 7, 2020). In 2015, Chicago, Illinois approved a reparations package for victims of a police torture ring led by police commander John Burge from the 1970s through the early 1990s. The package included financial compensation, counseling services, free tuition at Chicago's city colleges, plans for a memorial, and other social programming: Peter C. Baker, "In Chicago, reparations aren't just an idea. They're the law," *The Guardian*, March 8, 2019, <https://www.theguardian.com/news/2019/mar/08/chicago-reparations-won-police-torture-school-curriculum> (accessed April 7, 2020). There are multiple international examples of countries establishing reparations programs for gross or systematic human rights violations or violations of international humanitarian law, as well as reparations ordered by international tribunals in specific cases. In 1952, Germany agreed to pay reparations to victims of the Holocaust during World War II for genocide, displacement, and other atrocities under Nazi rule. Claims are still being processed today. "The Reparations Agreement of 1952 and the response in Israel," The National Library of Israel, undated, <https://web.nli.org.il/sites/NLI/English/collections/personalsites/Israel-Germany/Division-of-Germany/Pages/Reparations-Agreement.aspx> (accessed April 7, 2020). In Peru, 20 years of internal armed conflict and repression from 1980 to 2000 resulted in mass killings and internal displacement, arbitrary detention, sexual violence, torture and the forced recruitment of children. Following the recommendation of the country's Truth Commission, the government provided financial compensation to thousands of people for these wrongs, though the program has been criticized as inadequate in various respects. Cristian Correa, "Reparations in Peru: From Recommendations to Implementation," International Center for Transitional Justice, June 2013, https://www.ictj.org/sites/default/files/ICTJ_Report_Peru_Reparations_2013.pdf (accessed April 7, 2020). For more examples of global reparatory justice, see here: <https://www.ictj.org/our-work/transitional-justice-issues/reparations>.

²⁷³ Maxine D. Jones, Larry E. Rivers, David R. Colburn, Tom Dye, and William W. Rogers, "Documented History of the Incident Which Occurred at Rosewood Florida, in January 1923," *RememberingRosewood.org*, December 22, 1993, <https://rememberingrosewood.org/rosewoodrp.php> (accessed April 7, 2020).

the community, which, despite periods of regeneration and renewal, has never fully recovered—both due to the lack of any meaningful effort to remedy the harm, and because of ongoing systemic racism.

Before the abolishment of the international slave trade in 1808,²⁷⁴ 400,000 Africans were sold into the United States.²⁷⁵ The people killed in the 1921 Tulsa Race Massacre were only some of the thousands of those killed in racial terror lynchings that took place in the US between the end of Reconstruction in 1877 and 1950. According to a report by the Equal Justice Initiative (EJI), an estimated 4,300 racial terror lynchings took place during that time,²⁷⁶ including those that occurred during the 1921 Tulsa Race Massacre.²⁷⁷ In the year 1919 alone, more than two dozen different incidents of racially motivated violence took place.²⁷⁸ Even following the enactment of the emancipation proclamation in 1863, many US cities and states, including in the north, implemented laws and policies that legalized racial segregation and stripped Black people of their rights.²⁷⁹

The US government has never adequately accounted for these wrongs or the subsequent 20th century policy decisions that resulted in the structural racism, economic, education, and health inequalities, housing segregation, and discriminatory policing policies and practices, described above, that exists today.²⁸⁰

²⁷⁴ Eric Foner, "Forgotten Step Toward Freedom," *New York Times*, December 30, 2007, <https://www.nytimes.com/2007/12/30/opinion/30foner.html> (accessed May 25, 2020).

²⁷⁵ Nikole Hannah-Jones, "Our democracy's founding ideals were false when they were written. Black Americans have fought to make them true," *New York Times*, August 14, 2019, <https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html> (accessed May 25, 2020).

²⁷⁶ "Lynching in America: Confronting the Legacy of Racial Terror," The Equal Justice Initiative, 2017, <https://eji.org/wp-content/uploads/2019/10/lynching-in-america-3d-ed-080219.pdf> (accessed May 16, 2020), p. 4.

²⁷⁷ *Ibid.*, p. 46. When counting the number of blacks killed during the Tulsa Race Massacre and adding that to the total number of "racial terror lynchings," during this period, the EJI report uses the number 36. But it notes in its report that "at least 36," had died and that the number varies greatly among sources from 36 to 300. See "Lynching in America: Oklahoma," Equal Justice Initiative, <https://lynchinginamerica.eji.org/explore/oklahoma>, and *Ibid.*, p. 46, n. 188.

²⁷⁸ Tulsa Race Massacre Report, p. 43; Johnson, pp. 27-28.

²⁷⁹ History.com, "Jim Crow Laws," updated February 21, 2020, <https://www.history.com/topics/early-20th-century-us/jim-crow-laws> (accessed May 16, 2020); National Geographic, "The Black Codes and Jim Crow Laws," undated, <https://www.nationalgeographic.org/encyclopedia/black-codes-and-jim-crow-laws/> (accessed May 16, 2020).

²⁸⁰ In a rare move in the United States, in November 2019, the city legislature of Evanston, Illinois passed a resolution committing to a Reparations Fund to address their legacy of harmful inequalities. As part of the City's 2020 budget, Evanston will levy a cannabis tax for a resident reparations fund: "Reparations," City of Evanston, undated, <https://www.cityofevanston.org/government/city-council/reparations> (accessed April 7, 2020).

Human Rights Watch has long supported reparations to address the brutality of slavery and historical racist laws that set different rules for Black people and white people.²⁸¹

Article 6 of the International Convention on the Elimination of All Forms of Discrimination (ICERD), establishes the right to remedy and to seek adequate reparation for acts of racial discrimination like slavery and the many crimes against Black people that have followed from it in the United States.²⁸²

But governments are also independently obligated to address structural discrimination. The UN Committee on the Elimination of Racial Discrimination, the UN body that interprets the ICERD and monitors compliance with it, has noted that “racism and racial discrimination against people of African descent are expressed in many forms, notably structural and cultural.”²⁸³

The committee added that this structural discrimination, rooted in slavery, is:

[E]vident in the situations of inequality affecting them and reflected, inter alia, in the following domains: their grouping, together with indigenous peoples, among the poorest of the poor; their low rate of participation and representation in political and institutional decision-making processes; additional difficulties they face in access to and completion and quality of education, which results in the transmission of poverty from generation to generation; inequality in access to the labour market; limited social recognition and valuation of their ethnic and cultural diversity; and a disproportionate presence in prison populations.²⁸⁴

States are obligated under ICERD to overcome this structural discrimination, including through “special measures” such as affirmative action.²⁸⁵ Also, states are obligated to

²⁸¹ Human Rights Watch, “An Approach to Reparations,” July 19, 2001, <https://www.hrw.org/news/2001/07/19/approach-reparations>.

²⁸² International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, GA Res. 2106 (XX), annex, 20 UN GAOR Supp. (No. 14) at 47, UN Doc. A/6014 (1966), 660 UNTS 195, entered into force January 4, 1969, ratified by the United States on November 20, 1994, art. 6.

²⁸³ UN Committee on the Elimination of Racial Discrimination, General Comment 34, <https://www.refworld.org/docid/4ef19d592.html> (accessed May 27, 2020), para 5.

²⁸⁴ UN Committee on the Elimination of Racial Discrimination, General Comment 34, <https://www.refworld.org/docid/4ef19d592.html> (accessed May 27, 2020), para 6.

²⁸⁵ *Ibid.*, para 7.

“[t]ake steps to remove all obstacles that prevent the enjoyment of economic, social and cultural rights by people of African descent especially in the areas of education, housing, employment and health.”²⁸⁶

As noted by the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and racial intolerance in an August 2019 report to the UN General Assembly, “reparations for slavery and colonialism include not only justice and accountability for historic wrongs, but also the eradication of persisting structures of racial inequality, subordination and discrimination that were built under slavery and colonialism to deprive non-whites of their fundamental human rights.”²⁸⁷ In that sense, “reparations concern both our past and our present.”²⁸⁸

The UN Working Group of Experts on People of African Descent also stated, upon the conclusion of a visit to the United States, that “past injustices and crimes against African Americans need to be addressed with reparatory justice.”²⁸⁹

Reparations should be based not just on past harms but on contemporary ones too—the question is how to do so fairly, timely, and equitably.²⁹⁰

At the national level, Human Rights Watch supports House Resolution (H.R.) 40,²⁹¹ which proposes creating a commission to study the impacts of slavery and make recommendations around “apology and compensation.”²⁹² This bill—titled “40” as a

²⁸⁶ *Ibid.*, para 50.

²⁸⁷ United Nations General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262, August 21, 2019, <https://undocs.org/A/74/321>, (accessed May 27, 2020), paras. 7 and 8.

²⁸⁸ *Ibid.*, para. 8.

²⁸⁹ “Statement to the media by the United Nations’ Working Group of Experts on People of African Descent, on the conclusion of its official visit to USA,” UN Press Release, January 29, 2016, <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17000&LangID=E> (accessed April 7, 2020). The Working Group also made a series of other recommendations concerning racial disparities in incarceration rates, discipline in schools, and access to health care, food, water and housing.

²⁹⁰ Human Rights Watch, “An Approach to Reparations,” July 19, 2001, <https://www.hrw.org/news/2001/07/19/approach-reparations>.

²⁹¹ Commission to Study and Develop Reparation Proposals for African-Americans Act, H.R. 40, 116th Cong. (2019), <https://www.congress.gov/bills/116/congress/house-bill/40> (accessed April 7, 2020).

²⁹² Dreisen Heath, “US Congress Can Help Heal the Wounds of Slavery,” Human Rights Watch dispatch, June 19, 2019 <https://www.hrw.org/news/2019/06/19/us-congress-can-help-heal-wounds-slavery>.

reminder of the never-fulfilled promise made to free slaves to give each “40 acres and a mule” after the signing of the Emancipation Proclamation²⁹³—has been circulating in Congress for the past 30 years. It has never been voted out of the House Judiciary Committee, where it has been introduced, but support for it is growing, demonstrated by the long list of co-sponsors, now at 126, all but one of them signing on in the last year.²⁹⁴ The US Congress should pass H.R. 40, and the president should sign it into law.

²⁹³ See Special Field Order No. 15, General William T. Sherman, 1865, <https://www.blackpast.org/african-american-history/special-field-orders-no-15/> (accessed April 23, 2020).

²⁹⁴ Commission to Study and Develop Reparation Proposals for African-Americans Act, H.R. 40, 116th Cong. (2019), see list of co-sponsors: <https://www.congress.gov/bill/116th-congress/house-bill/40/cosponsors?searchResultViewType=expanded&KWICView=false>.

Recommendations

The recommendations below to the Tulsa, Oklahoma, and US governments are primarily focused on the need for proportionate and prompt reparations for the massacre and its aftermath. However, they also touch upon broader reparations for slavery, and the obligation of governments to address ongoing structural racism.

Reparations for the Tulsa Race Massacre

The “Tulsa Race Riot Commission” made its recommendations to the state of Oklahoma and the city of Tulsa nearly 20 years ago, but they have yet to be fully implemented. The longer harms go unaddressed, the more difficult and complex it will be to develop adequate reparation mechanisms that are proportionate to the gravity of the crime and to the harm caused.

To the US Congress

Statute of Limitations

A member of the US Congress should reintroduce, and Congress should pass, legislation to clear the legal hurdle that the statute of limitations poses to the assertion of civil claims related to the Tulsa race massacre and its aftermath.²⁹⁵

To State and Local Authorities

Immediate Compensation to Survivors

At the time of writing,²⁹⁶ Viola Fletcher, residing in Bartlesville, Oklahoma, who just celebrated her 106th birthday,²⁹⁷ and Lessie Benningfield Randle, aged 105, living in Tulsa were the only known living survivors of the 1921 Tulsa Race Massacre living in Oklahoma. Neither they nor any descendants of survivors have ever received any restitution or compensation for the harm they suffered. A coalition of local organizations, including the Terence Crutcher Foundation, the Gathering Place, Revitalize T-Town, and other community

²⁹⁵ A previous bill, H.R.98 - John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2013, 113th Cong. (2013), would have done this by creating a new civil cause of action. See electronic bill text: <https://www.congress.gov/bills/113/congress/house-bills/98>.

²⁹⁶ Human Rights Watch telephone interview with Damario Solomon Simmons, civil rights attorney, May 20, 2020.

²⁹⁷ Gustavo Olguin, “Bartlesville woman celebrates 106th birthday with surprise car parade,” *KTUL*, May 10, 2020, <https://ktul.com/news/local/bartlesville-woman-celebrates-106th-birthday-with-surprise-car-parade> (accessed May 25, 2020).

members, recently restored Randle's home in North Tulsa, but the project was paid for entirely out of private funds.²⁹⁸

Given Fletcher and Randle's advanced age, the city and state governments should immediately take steps to provide reparation to them, including in the form of direct compensation and acts to recognize, memorialize, and apologize for the harm done.

Statute of Limitations

A member of the Oklahoma legislature should introduce, and the legislature should pass, legislation that would clear the legal hurdle that the Oklahoma statute of limitations now poses to civil claims related to the massacre and its aftermath. In addition, the state of Oklahoma and city of Tulsa should commit not to assert any statute of limitations defense in any claims brought against them in connection with the massacre so that the claims can be heard on the merits.

Recovery of Remains

State and local authorities should continue and fund the investigation into the existence of mass graves currently underway, recover, and identify the remains.

Promptly Develop and Implement a Comprehensive Reparations Plan

State and local authorities should move promptly to develop a comprehensive reparations plan, in close consultation with survivors, descendants, and community members affected by the massacre, that is based on the recommendations of the "Tulsa Race Riot Commission" report and responsive to developments in the last 20 years. Such a plan should include, as the commission recommended, direct payments to massacre survivors and their descendants. It should also include measures to further rehabilitation, truth-telling, and guarantees of non-repetition.

In designing such a plan, state and local authorities could consider the following measures, some of which community members have recommended:

Rehabilitation, Medical Benefits, and Burial Services

²⁹⁸ Stetson Payne, "'Like a queen': 105-year-old race massacre survivor's north Tulsa home gets restored," *Tulsa World*, March 9, 2020, https://www.tulsaworld.com/news/like-a-queen-105-year-old-race-massacre-survivors-north-tulsa-home-gets-restored/article_83c59e13-2b1a-59b6-b65a-fe0c29eb4956.html (accessed May 21, 2020).

Authorities could offer rehabilitation for survivors and descendants, including free trauma-informed care as a result of the generational impacts of the massacre. The city of Tulsa could work with the Oklahoma Department of Health to issue lifetime medical benefits and burial services to all living survivors and descendants residing in Greenwood and North Tulsa.

Educational Benefits and Scholarships

The city and state should consider substantially expanding the limited existing scholarship award program.²⁹⁹ One option would be to offer descendants of the massacre and students in the Greenwood and North Tulsa area tuition-free enrollment, especially at the two universities, that appear to have been built through the accumulation of North Greenwood property through urban renewal, Oklahoma State University-Tulsa and Langston University-Tulsa.³⁰⁰ Authorities could also establish, with public funding, in consultation with the Tulsa African Ancestral Society, a birthright program, a free ten-day heritage trip to Africa, for descendants who want to deepen their historical and cultural connection to the African continent.

Economic Development and Investment in the Affected Community

²⁹⁹ The Tulsa Race Massacre Commission recommended the establishment of a scholarship fund and following passage of the Tulsa Race Riot Reconciliation Act in 2001, dependent on available funding. One was established to give a limited number of students each year an award of \$1,000 to be used at any Oklahoma college or post-secondary career technology center. Tulsa Reconciliation Scholarship Program, <https://resources.finalsite.net/images/v1583442482/tulsaschoolsorg/zco82xcpndsovwggqd7a/TulsaReconciliationScholarshipNominationForm.pdf> (accessed May 16, 2020); see also “Oklahoma Regents for Higher Education Tulsa Reconciliation Scholarship Program: Nomination Information for 2020-21,” <https://resources.finalsite.net/images/v1583442481/tulsaschoolsorg/ksyyt9zrlinsaoqpn6h2/TulsaReconciliationScholarshipInformation.pdf> (accessed May 16, 2020). (According to the scholarship nomination form, each year the Oklahoma Regents for Higher Education award two students at each of the eleven Tulsa high schools with a one-time \$1,000 scholarship. Between May 21, 2020 and May 28, 2020 Human Rights Watch attempted to speak and correspond with Oklahoma Regents Scholarships Coordinator, Linette McMurtrey, to determine how much money had been appropriated for the scholarship program and how many scholarships were awarded each year since the start of the program but were unsuccessful in getting a response before publication of the report.)

³⁰⁰ Kendrick Marshall, “‘Signs of Gentrification’: Greenwood community worries residents being pushed out, history disrespected,” *Tulsa World*, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out-history-disrespected/article_267776fe-ac92-57ef-a048-5e1e0c72ae80.html (accessed May 9, 2020); Johnson, *Black Wall Street*, p. 120 (Oklahoma State University now occupies the site on which the original Booker T. Washington High School in Greenwood sat before the massacre ... “This tie to Tulsa’s African-American history did not go unnoticed. Today, only two streets run through the (“Oklahoma State University campus – Greenwood Ave. and John Hope Franklin Boulevard.”); “Tulsa Race Riot Report,” p. 147 (“urban renewal and the accumulation of North Greenwood property for the highway and Rogers State University (Now OSU-Tulsa), create a gap in the records of property and cause old addresses, legal and otherwise, do not display on the county clerk computer system.”).

There is great concern in Tulsa's black community that existing economic development initiatives are not benefiting its members and may even cause further harm. Authorities should develop any plans in close consultation with community members.

Among other options, authorities could consider establishing a business development fund for black residents in Greenwood and North Tulsa and ensuring administration and decision-making for the fund includes leaders from the target communities, and includes a process for consultation with long-time residents. They could actively recruit Greenwood residents to apply for grants or provide community-based block grants for black applicants expressing interest in entrepreneurial activities. They could ensure that a certain percentage of grants benefit black entrepreneurs from Greenwood and North Tulsa.

Historical Memory

A privately funded \$3 million campaign to construct Tulsa's first comprehensive memorial is underway.³⁰¹ The city of Tulsa should consider financing the entire project or, at minimum, donating to the campaign.

The city of Tulsa should also consider providing capital endowments for future historical and arts exhibits that capture the full essence of thriving Greenwood, in addition to continuing and implementing plans for the renovation and expansion of the existing Greenwood Cultural Center. To preserve the history and culture of historic Greenwood, the Tulsa Preservation Commission and the Oklahoma Historic Preservation Review Committee could seek to establish Greenwood in the National Historic Registry.³⁰²

Housing

State and local authorities should consider:

³⁰¹ "Black Wall Street Memorial," undated, <https://blackwallstreetmemorial.com/> (accessed May 26, 2020): "The total cost of the Memorial will be \$3,000,000.00." See also, "Black Wall Street Memorial – '10,000 Bricks Campaign,'" undated, <https://www.thatsmybrick.com/blackwallst> (accessed May 26, 2020).

³⁰² Commercial districts that are currently on the National Register are Blue Dome, Brady District (Tulsa Arts District), KATY Railroad, North Cheyenne, Oil Capital, Sixth Street, Tulsa Civic Center and Whittier Square. However, Greenwood is not. Tulsa Preservation Commission, "Districts in the National Register of Historic Places," undated, <https://tulsapreservationcommission.org/districts-listed/> (accessed May 21, 2020).

- Providing subsidized housing, housing assistance, and housing relief services to residents displaced from Greenwood, who now reside in North or East Tulsa, or other parts of the county.
- Subsidizing home mortgages and rent for long-term residents of Greenwood.
- Issuing housing vouchers for long-time residents of the Greenwood community to help them stay in their homes when rising housing prices and property taxes increase the risk of displacing them.

Encourage Private Sector Support

State and local authorities could encourage other actors to support reparations as well. In particular, they could:

- Encourage the Tulsa Regional Chamber of Commerce (formerly the Tulsa Chamber of Commerce), to establish a free and public online database with searchable records from meetings, events, and other official activities, and to allocate significant funding to a reparations program for massacre survivors, descendants, and Greenwood residents.
- Encourage the Langston University-Tulsa (formerly Rogers State University) and OSU-Tulsa (formerly University Center at Tulsa) to provide records of acquisition and deed transfers of property acquired in the Greenwood area prior to the establishment of the universities and make those records public in order that full disclosure be made of property that was confiscated. These universities could also be encouraged to provide free meeting space for community meetings and events.

Addressing Ongoing Structural Racism and the Legacy of Slavery

To State and Local Governments

- Collect data and commission expert studies on persistent racial disparities in Tulsa and Oklahoma at large, respectively, in a variety of systems, including housing, health, education, criminal law, access to employment, and access to capital.
- Review government budgets to direct more resources to social and economic programs in low-income black communities that are impacted by long-term structural racism.
- Develop and implement programs in various systems—health, housing, education, and criminal law—that are specifically designed to counter the long-term effects of structural racism.

To the US Congress

- Pass House Resolution (H.R.) 40, the Commission to Study and Develop Reparation Proposals for African-Americans Act. The expert commission established by H.R. 40 should collect data and produce studies on persistent racial disparities in the United States at large, respectively in a variety of systems, including housing, health, education, criminal law, access to employment, and access to capital. Upon the termination of the commission, Congress should establish another body to collect and produce similar data and studies.
- Appropriate more resources to federal social and economic programs to address long-term structural racism and provide assistance to low-income black communities.

To the Federal Government

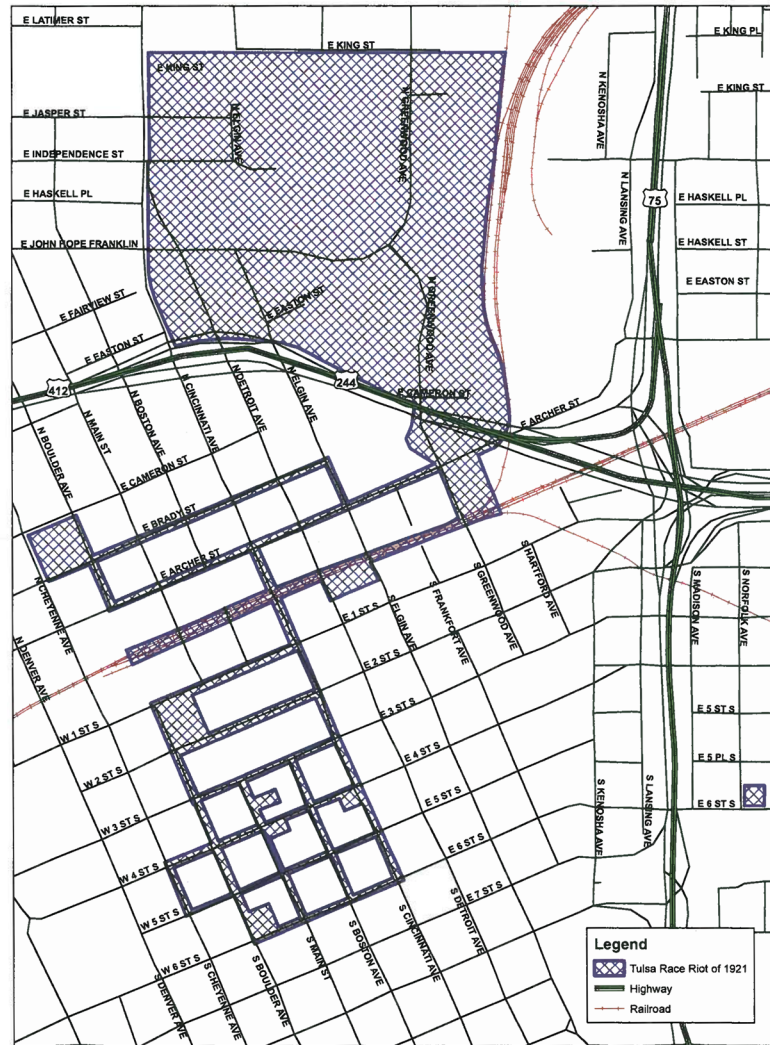
- Develop and implement programs in various federal agencies, including the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, the Department of Labor, the Department of Commerce (including the US Small Business Administration), and the Department of Education, that are specifically designed to counter the long-term effects of structural racism.

Acknowledgments

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Human Rights Watch would like to thank our resilient and inspiring partners and the many community activists in the City of Tulsa who have worked tirelessly to bring about structural change and racial justice in Tulsa. We are especially grateful to Dr. Tiffany Crutcher, Kristi Williams, Chief Amusan, Pastor Robert Turner, Attorney Damarion Solomon Simmons, and Councilor Vanessa Hall-Harper for their advice and guidance. Lastly, Human Rights Watch would like to acknowledge the few remaining survivors of the 1921 Tulsa Race Massacre still alive, all of whom are over 99-years-old, and reiterates its call on governments to ensure these survivors receive reparations in their lifetime.

APPENDIX A **Tulsa Race Riot of 1921, Tulsa, Tulsa County, Oklahoma**
District Boundary

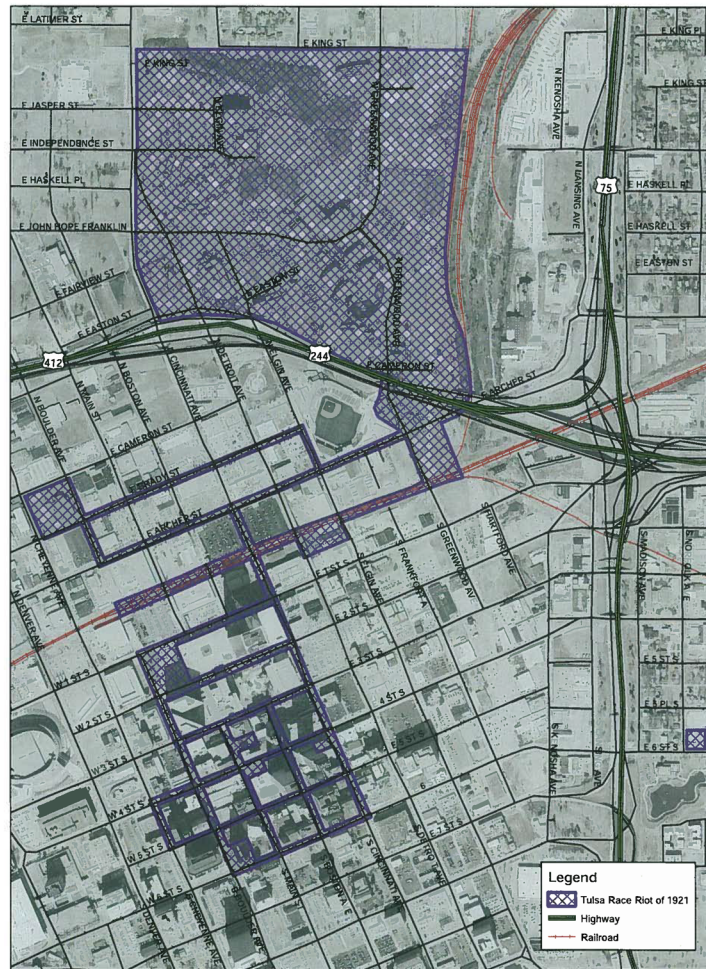


Map Source: OK/SHPO
Data Source: US Census Bureau, 2010 Tiger Lines
Wagoner County and Equivalent shapefiles
Retrieved April 20, 2012 from www.census.gov
Date of Production: June 27, 2012

0 0.25 0.5 Miles

Source: Oklahoma Historical Society, State Historic Preservation Office © 2012

Tulsa Race Riot of 1921, Tulsa, Tulsa County, Oklahoma
District Boundary

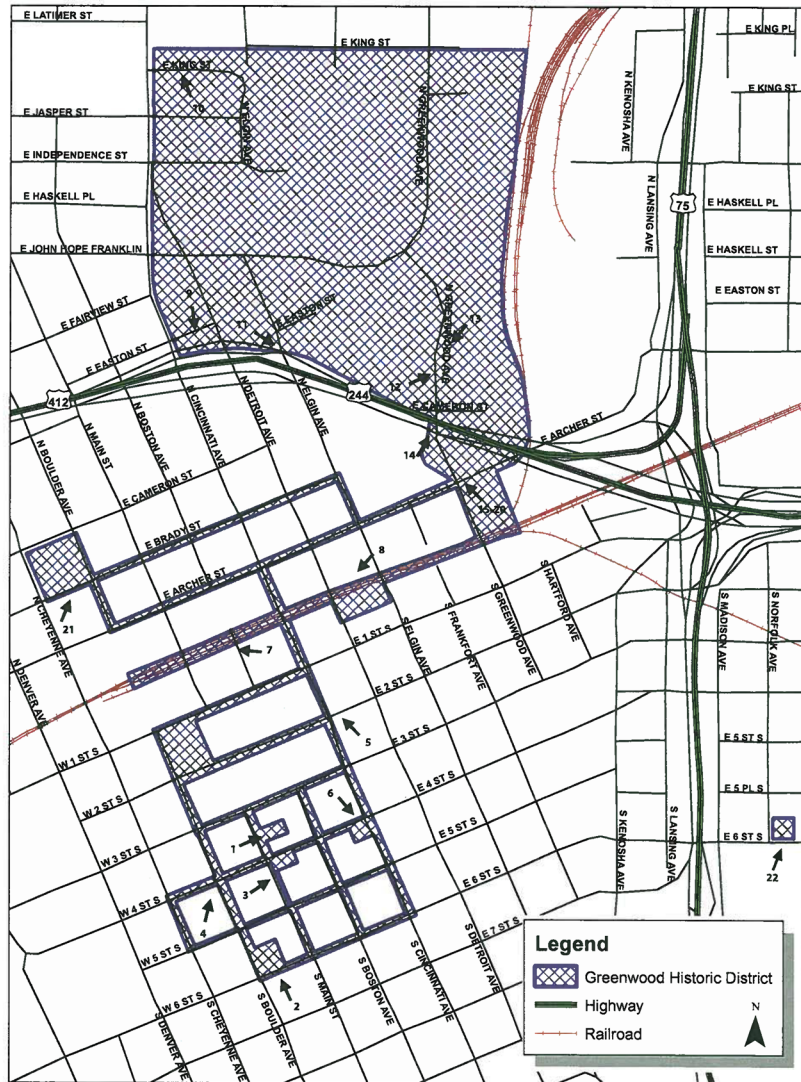


Map Source: OK/SHPO
Data Source: US Census Bureau, 2010 Tiger Lines
Wagoner County and Equivalent shapefiles
Retrieved April 20, 2012 from www.census.gov
Date of Production: June 27, 2012

0 0.25 0.5 Miles

Source: Oklahoma Historical Society, State Historic Preservation Office © 2012

Greenwood Historic District, Tulsa, Tulsa County, Oklahoma Photograph Map



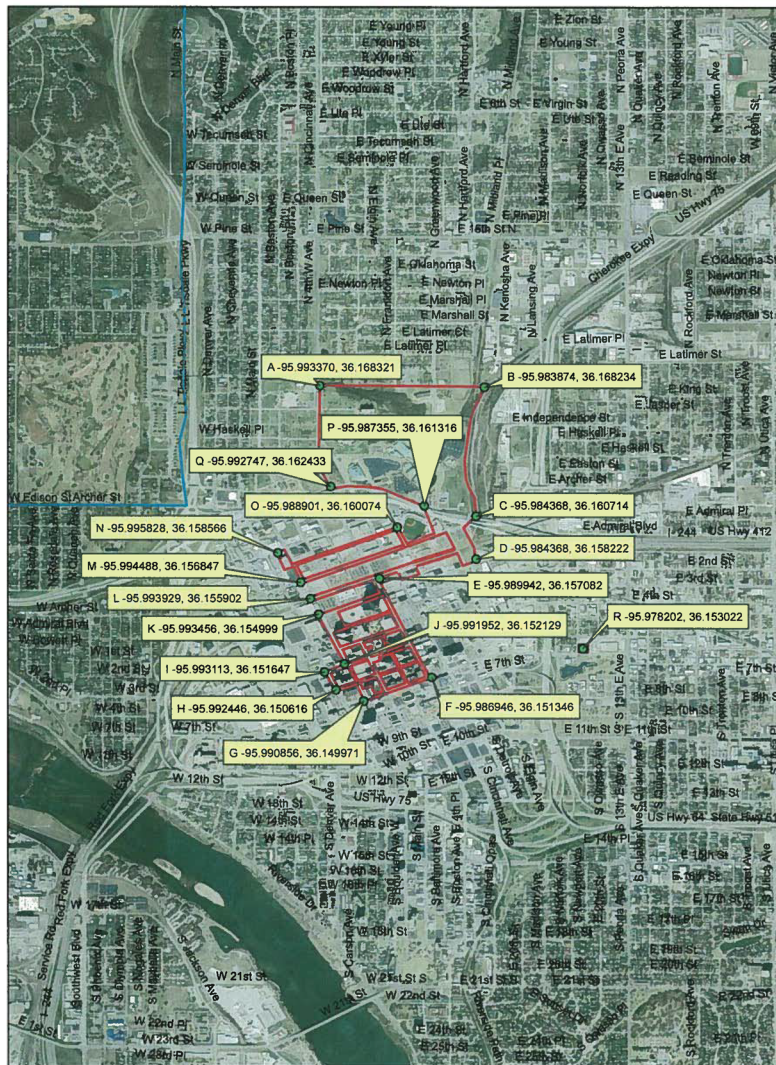
Map Source: OK/SHPO
 Data Source: US Census Bureau, 2010 Tiger Lines
 Wagoner County and Equivalent shapefiles
 Retrieved April 20, 2012 from www.census.gov
 Date of Production: June 27, 2012

0 0.25 0.5 Miles

Source: Oklahoma Historical Society, State Historic Preservation Office © 2012

Greenwood Historic District, Tulsa, Tulsa County, Oklahoma

Latitude and Longitude



Map Source: OK/SHPO
 Data Source: US Census Bureau, 2010 Tiger Lines
 Wagoner County and Equivalent shapefiles
 Retrieved April 20, 2012 from www.census.gov
 Date of Production: April 20, 2012

0 0.15 0.3 0.6 0.9 1.2
 Miles

Source: Oklahoma Historical Society, State Historic Preservation Office © 2012





THE CASE FOR REPARATIONS IN TULSA, OKLAHOMA

A Human Rights Argument

The 1921 Tulsa Race Massacre was one of the worst incidents of racial violence in United States history. In roughly 24 hours, a white mob burned down the prosperous Greenwood neighborhood in Tulsa, Oklahoma, then known as "Black Wall Street," leaving hundreds of people dead, the vast majority of them Black, and destroying more than 1,200 black-owned houses. Government officials failed to protect the black community, and some city officials deputized and armed members of the mob. Following the massacre, state government officials failed to invest and rebuild Greenwood, and actively blocked efforts to do so. No one has ever been held accountable.

The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument details the massacre, its aftermath, attempts to rebuild, and subsequent policies that have prevented Greenwood and the broader North Tulsa community from thriving. These policies, and the government's response to the massacre, have contributed to the deep racial disparities—rooted in the US history of slavery and ongoing structural racism—in Tulsa today.

The report calls on the Tulsa and Oklahoma governments to provide reparations, including direct payments to the few surviving massacre victims, and the descendants of those killed and those who survived; lift legal barriers to civil legal claims related to the massacre; recover and identify remains that may be in mass graves; and establish a comprehensive reparations plan in close consultation with affected community members. Federal authorities should develop a national reparations plan to address slavery and its legacy, as well as targeted measures to address pervasive structural racism.

(above) The aftermath of the 1921 Tulsa Race Massacre, when a white mob burned down the prosperous Greenwood neighborhood in Tulsa, Oklahoma, then known as "Black Wall Street," killing hundreds of people, mostly black.

© Greenwood Cultural Center

(front cover) Reverend Robert Turner of the historic Vernon African Methodist Episcopal (AME) church, damaged in the 1921 Tulsa Race Massacre, leads a reconciliatory pilgrimage of sorts from the Vernon AME to Tulsa City Hall every Wednesday, demanding "reparations now."

© 2019 Ian Maule/Tulsa World

Mr. COHEN. Thank you very much.

[Applause.]

Our final Witness is Mr. Eric Miller. Mr. Miller is a Professor of Law and Leo J. O'Brien Fellow of Loyola Law School of Loyola Marymount University in Los Angeles, where he teaches courses on evidence, criminal procedure, and jurisprudence. He has written extensively on policing, drug courts, and reparations. He received a Masters of legal letters from Harvard Law School and a Bachelor of Laws from the University of Edinburgh. He was a law clerk for the Honorable Stephen Reinhardt of the U.S. Court of Appeals for the 9th Circuit and the Honorable Myron Thompson of the U.S. District Court for the Middle District of Alabama.

Professor Miller, you are recognized for 5 minutes.

STATEMENT OF ERIC MILLER

Mr. MILLER. Mr. Chair, Members of the Committee, we have heard that today's hearing on justice for the Tulsa massacre is racially divisive. We heard that in 1921. We heard that in 2003, when Professor Ogletree and Johnnie Cochran filed a Federal lawsuit for the survivors. We heard it in 2020 when Mayor Bynum, the mayor of the city of Tulsa, said he would not support payments to the survivors of the massacre, including Ms. Fletcher, Ms. Randle, and Mr. Van Ellis, who you heard testify today.

The victims of the Tulsa Race Massacre and their descendants have still not received a penny from the State of Oklahoma or the city of Tulsa. Even some direct payment is not enough. They need transformational justice to remedy the systemic, ongoing wrongdoing still suffered by the victims, their descendants, and the current residents of the Greenwood and north Tulsa districts of Tulsa, Oklahoma.

To provide an appropriate remedy, we must understand the nature and scope of the wrongdoing and its impact on the residents. The massacre not only destroyed the Greenwood community, its infrastructure, and human and social capital; it created a diaspora of people driven from their homes or families and their support networks.

Here is what the State of Oklahoma said about their role in the massacre in a statute it passed in 2001. Quote: "Local municipal and county officials became participants in the mob that killed, looted, and burned down Greenwood" Quote: "Local officials attempted to block the rebuilding of the Greenwood community." Local officials enforced, quote, "a conspiracy of silence" that "served the dominant interests of the state," which termed the riot a "public relations nightmare" for a community attempting to attract new business. The State, quote, "ignored" its, quote, "responsibilities, rather than confront the realities of race relations that allowed one race to put down another race."

Again, these are all quotes from the State of Oklahoma, the tale of an Oklahoma that was, and still is, putting profit over racial justice. They stopped short of accounting for the continuing acts of racial discrimination in the years and decades following the massacre. They failed to account for the people who fled and could not return—some because they were targeted for violence, some because they could not rebuild, or some simply because of the unbear-

able psychological trauma of the massacre. This great diaspora of the massacre is owed justice, too,

Typical reparations remedies include trust funds, a commission to identify the victims and their descendants, some permanent historical record, some form of direct payment to the victims, and college scholarships for the descendants. That is roughly what Congress provided for the victims of Japanese internment.

However, the remedies for Tulsa must also address the current acts of the city and the Chamber of Commerce who destroyed social, economic, and cultural institutions, and who continue to profit off the victims and survivors by misappropriating the histories and likenesses of the victims and their descendants.

Repair requires rebuilding infrastructure in Greenwood and north Tulsa—buying back property, building hospitals and health centers, redirecting the highways that split these communities and families and friends apart, and remediating the environmental harms within these communities in Tulsa. These are the engines of its economic, but also its social and human capital. Repair also requires addressing the trauma and hurt experienced by the diaspora of descendants that exist around the country and around the world.

The lead plaintiff in the 2003 Federal case, which I was proud to be part of, John Melvin Alexander, a World War II and Korean War veteran, said that, quote, “The White person can’t realize what they’ve done to the Black people here.” end quote.

The enduring trauma of the massacre mocked the survivors and their descendants and still does, as you heard from so many people, to this day. We need a remedy fit for this massive Act of horror. We have come here to Congress to ask you to fix it.

Thank you.

[The statement of Mr. Miller follows:]

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Statement of

Eric J. Miller

Professor of Law and Leo J O'Brien Fellow

Loyola Marymount University

Before the

House Judiciary Committee

Subcommittee on the Constitution, Civil Rights, and Civil Liberties

Hearing on Continuing Injustice:
The Centennial of the Tulsa-Greenwood Race Massacre

May 19, 2021

Reparations is a remedy for significant, ongoing, group-targeted wrongdoing. When we ask, *what sort of remedy?* we must begin by asking, *what sort of wrong?* What were the injuries done to the Black residents of Greenwood, Oklahoma in 1921, and how has the shockwave from those injuries unfurled across the country, impacting not only the survivors but the communities from which and into which they fled?

The Tulsa Massacre of 1921 was unique in scope and intensity but not in effect. The Massacre, like other acts of racial oppression, undermined the health, safety, and security of the Black population, and redistributed the economic, social, and cultural capital of the Greenwood neighborhood of Tulsa, Oklahoma away from the bankbooks, the homes, and the lives of Black people and into the pockets of the white community.

1. Transfer wealth from Black to white community

The Massacre and its aftermath effected a massive transfer of wealth from the Black to the white community. At the very least, the Massacre involved the looting of houses across a 35-block stretch of the City.

During the Massacre and in its aftermath the white rioters entered the homes and offices of the Black people who made up the Greenwood community. Black people hid in backrooms and attics and other places of shelter while the white mob called on them to come out of their homes. One of the survivors, Juanita Williams Blakely, said that she “hid under the bed when members

of the rioting white mob entered her house and sent fire to the curtains.” Another survivor, Kinny Booker and his sister and three brothers hid in the attic while the mob looted and then set fire to his house.

Susan Williams, who was a co-owner of the Dreamland Theater with her husband, testified about the terror in Greenwood. ... About 7:30 she saw a black man shot and killed on the street in front of her house. Then some men came, searched their house, and took her husband. Soon, another group of about twenty men came by and again searched the house, and then set it on fire.¹

“In these early morning hours of June 1, 1921, the wholesale burning and looting of black Tulsa began.”² “[T]heir homes were looted and burned.”³

Many of the survivors returned to work for the white people who, days before, had attacked them, killed their friends and neighbors, and looted their homes. Some of the survivors suffered the indignity of recognizing their belongings in the homes of the white people who had attacked them. All of them were forced to rebuild under hostile conditions.

In the aftermath of the Massacre,

[t]he city’s establishment, including the press, the courts, the politicians, and the church, quickly created a narrative of black responsibility for Greenwood’s immolation.... White civic organizations also condemned black Tulsans for the riot.⁴

¹ ALFRED L. BROPHY, *RECONSTRUCTING THE DREAMLAND: THE TULSA RIOT OF 1921: RACE, REPARATIONS, AND RECONCILIATION* (2002).

² SCOTT ELLSWORTH, *DEATH IN A PROMISED LAND: THE TULSA RACE RIOT OF 1921* (1985).

³ ALFRED L. BROPHY, *RECONSTRUCTING THE DREAMLAND: THE TULSA RIOT OF 1921: RACE, REPARATIONS, AND RECONCILIATION* (2002).

⁴ JAMES S. HIRSCH, *RIOT AND REMEMBRANCE: THE TULSA RACE WAR AND ITS LEGACY* 122, 126 (2002).

Immediately after the massacre, white businessmen recommended “that an industrial or commercial zone replace the Negro district, which would be moved farther north.”⁵ The local newspapers proclaimed that “Thirty-five blocks of the negro district south of Standpipe Hill, now in ruins following the fire of last Wednesday morning, will never again be a negro quarter but will become a wholesale and industrial center.”⁶

The City and the Chamber of Commerce quickly took control of the rebuilding effort. When offers of relief came from around the country, they were rejected. Some funding of the Red Cross rebuilding was allowed,

but no donations, cash or otherwise, would be used to reconstruct Greenwood. According to Walter White [Executive Secretary of the NAACP], all financial contributions to the city were rejected, the donors told “in theatric fashion that the citizens of Tulsa ‘were to blame for the riot and that they themselves would bear the cost of restoration.’”⁷

he material and psychological damage of the riot and its aftermath was deeply felt and enduring, B. C. Franklin wrote. Income that might have otherwise been invested in homes or businesses or saved for retirement was spent on rebuilding. Stigma attached to the riot’s violence dampened Tulsa’s once indomitable spirit.⁸

The State of Oklahoma itself passed the *1921 Tulsa Race Riot Reconciliation Act of 2001*, which stated:

⁵ *Id.* at 136.

⁶ *Id.* at 137.

⁷ *Id.* at 133-134.

⁸ RANDY KREHBIEL, *TULSA, 1921* 206 (2019).

The staggering cost of the Tulsa Race Riot included the deaths of an estimated 100 to 300 persons, the vast majority of whom were African-Americans, the destruction of 1,256 homes, virtually every school, church and business, and a library and hospital in the Greenwood area, and the loss of personal property caused by rampant looting by white rioters.

The State also acknowledged that:

This “conspiracy of silence” served the dominant interests of the state during that period which found the riot a “public relations nightmare” that was “best to be forgotten, something to be swept well beneath history’s carpet” for a community which attempted to attract new businesses and settlers.

The City of Tulsa and its Chamber of Commerce have failed to learn the lessons identified by the State of Oklahoma. The same City and the same Chamber of commerce that rejected funds meant for Black community in 1921 and redirected support intended for the Black community towards white business and financial interests now seeks to do the same thing in 2021. The same City and Chamber of commerce that silenced the survivors and their descendants for 70 years now wants to tell their history without paying them a penny. The City and Chamber of Commerce that monetized and marketed the Massacre in 1921, is doing it again, creating a tourist attraction claiming to tell the stories of the victims and designed to attract Black people to Tulsa, all without input from the survivors and their descendants.

2. Undermine safety and security of infrastructure

From the aftermath of the Massacre until the present, the City and County failed to provide the same infrastructure enjoyed by the white community. In the years after the Massacre, the City’s

neglect led to substandard conditions and blight that threatened the health, comfort, and safety of the Greenwood neighborhood and North Tulsa community.

While the white community denied the extent and even the existence of the massacre, one of the survivors, John Melvin Alexander stated in 2003 that “the white person can’t realize what they’ve done to the black people here.” The enduring trauma of the massacre marked the survivors and their descendants. The survivors suffered nightmares and psychological distress for the rest of their lives. Many of the survivors left Tulsa, never to return. For those that stayed, like John Alexander, their children explicitly stated that they will never come to live again in Tulsa, or as Alexander put it, “it soured the rest of my family.”

3. Fragment, disempower, and disperse the Black community

The City’s Planning Commission implemented policies of “urban renewal” that undermined the health and safety needs of the Greenwood North Tulsa communities. The white community depressed the value land in Greenwood, shrinking and eventually destroying the neighborhood. In the 1960s and 1970s, the State, County, and City split the community by locating Interstate 244 and the construction of the inner dispersal loop through the middle of the Greenwood community and neighborhood, despite other viable alternatives.

4. Intangible Injuries

The injury done during the Tulsa Race Massacre of 1921 was more than the harm done to the individual people who lived in the Greenwood neighborhood. People lost more than their property and possessions: they lost their community. They lost social institutions, networks of emotional, cultural, and economic support, local leaders, and the ability to determine for themselves the shape of their community and their lives. Individual compensation cannot rebuild that community.

5. Remedies

Congress should look beyond the courts to enable the survivors and their descendants to obtain redress commensurate with their injury. The preferred remedy could be one modeled on the September 11th Victim Compensation Fund of 2001, PL 107-42, 115 Stat. 237, 49 U.S.C. 40101 Note and the follow-up James Zadroga 9/11 Health and Compensation Act of 2010. PL 111-347, 124 Stat. 3623, 42 U.S.C. 201 Note; or on the trust fund created in *Cobell v. Salazar*, 573 F.3d 808 (D.C. Cir. 2009). The fund would dedicate resources, not only to individual payments, but to create institutions that enable the Greenwood and North Tulsa community, in conjunction with the diaspora, to determine for themselves how best to promote the health, safety, welfare, and economic development of those communities.

This sort of Compensation Fund could be overseen by a fund manager or special master who could identify the various communities impacted by the Massacre and its aftermath, including any still-living survivors, and the descendants of the victims. The fund manager could then engage in public hearings to solicit the opinions of the various affected communities and

individuals to determine how best to apportion the fund monies to institutions and individuals, as necessary to respond to the harms of wealth transfer, deteriorating or improperly sited infrastructure, and the fragmentation and dispersal of the Black community.

Another solution would be an act tolling the statute of limitations to enable further federal litigation. That solution, however, faces significant problems. In particular, the category of people able to bring suit under 42 U.S.C. 1983 would have to be modified to permit a right of action on the part of descendants. For example, the various California statutes extending the limitations periods for Armenian Genocide Victims (West's Ann.Cal.C.C.P. §354.4), Holocaust victims (West's Ann.Cal.C.C.P. § 354.5), or braceros (West's Ann.Cal.C.C.P. §354.7) use the language of "heir or beneficiary." If necessary, Congress could define beneficiary in a manner that ensures that the descendant class is included in the beneficiary class. However, forcing the descendants to go through litigation to obtain redress appears an unnecessary step, given that Congress could simply designate a body to assess the extent of the fund necessary to compensate the victims and their descendants, and organize the disbursement of funds to institutions and individuals.

6. Conclusion

The victims of the Tulsa Massacre include survivors, their descendants, and the communities of Greenwood and North Tulsa. They have each been wronged and injured in different ways. Any comprehensive remedy must first assess the nature and extent of those injuries by asking the survivors, the descendants, and Black Tulsans what they think would count as justice for Greenwood. Without involving those communities in building a solution, there can be no proper redress.

Mr. COHEN. Thank you, Professor Miller.

We will now proceed under the 5-minute Rule with questions, and I will begin by recognizing myself for 5 minutes.

Mr. Solomon, are you available for questions? Is he here?

[No response.]

Well, let me start with Mr. Miller then. I would like to have Mr. Solomon for a question. Professor Miller, some argue that the harms are in the past, that most of the victims and perpetrators are dead, which is all true, and there is no party responsible for the harm, nor any party entitled to receive compensation for the attack. What is your response?

Mr. MILLER. Well, my response is that we can still see the ongoing harms of the Tulsa Race Massacre to this day. Remember, all the families lost all their property in the massacre. They couldn't get their money returned by going to the courts. They couldn't get their money for their property by going to insurance companies. So, it was a devastating financial loss for over 10,000 people in Tulsa, Oklahoma.

People fled the city. Families were split apart. So, infrastructure was destroyed. That sort of destruction has continued over time, as the city tried to rezone Greenwood, tried to prevent building back. When people did build back, the city continued to target Greenwood for racial divisive urban development, driving a freeway through the middle of the community, splitting the community apart, dividing it from the rest of Tulsa. So, the acts of the city, of the Chamber of Commerce, of the State, and the county have continued from 1921–2021, to target this community—

Mr. COHEN. Well, it has been a continuing problem and there have been no efforts at any remediation, is that correct?

Mr. MILLER. That is correct. Worse, they have made it worse.

Mr. COHEN. Let me ask you this: One of the Witnesses—I believe it was Mr. Simmons—said that the insurance companies had not honored claims. How did they go about—these were property casualty insurance, homeowners' insurance, whatever—how did they not get compensation? How did the insurance companies get out of it?

Mr. MILLER. They said there was a riot clause in the insurance and refused to pay out. So, the insurance companies denied hundreds of people their claims, people who are victims of the race massacre, by claiming that they didn't have to pay because of a riot.

Mr. COHEN. Mr. Solomon-Simmons, Professor Miller has explained that some of the insurance companies, because of a riot clause, were allowed not to have to compensate the victims. Did the riot clause suggest that they were responsible for the damage? How did that riot clause get interpreted that way and not give them compensation?

Mr. SOLOMON-SIMMONS. First, it was the city and the county and the chamber who falsely called it a riot, for the express purpose of making it more difficult for the Black citizens to rebuild. We have to understand this was not just some isolated event. They wanted their land. They wanted the land of the African Americans because it was very valuable land.

I believe, and our understanding of our research, that these insurance companies, they didn't do their due diligence. They didn't come down and do an actual investigation. They just took the false narrative that the city and the county and the chamber provided and said, "That's good. Good for us. We don't have to pay anything."

We have these particular claims. I am happy to give this to your office, Representative Cohen, a listing of each claim made, the specificity, and who they made it to.

Mr. COHEN. Thank you.

We had a similar situation in Memphis. After the Civil War, they called it a riot for the longest time, and, of course, it was a massacre. The city was involved as well and the police in perpetrating it.

In the Oklahoma, as I understand it, the police, the law enforcement, participated in the massacre, is that correct?

Mr. SOLOMON-SIMMONS. That is absolutely correct. It is the same spirit that runs from 1921–2021.

This is my client right here. I represent the Crutcher family who has suffered from police violence. Her brother was shot with his hands up in the air. So, I take great exception to what Mr. Shannon had to say about being divisive. We suffer in Tulsa. I don't know—he is not from Tulsa. I am from Tulsa. Tiffany is from Tulsa. She's from Tulsa. Dreisen is from Tulsa. We suffer at the hands of the Tulsa police.

You also heard the name of Joshua Harvey. It is another client of mine, a young man that was tased 27 times to death by the Tulsa police department, and none of the officers were disciplined. Betty Shelby was not disciplined for shooting her brother. None of the officers who had Witnesses leave the scene—on video, violated multiple policies—not one of those officers is disciplined.

You know what? After the massacre, in our papers they said for this to never happen again—and "this" being the rise of, quote, "Nigger Town"—"we need to aggressively police these niggers to make sure that they don't rise again," unquote. That is what we deal with here in Tulsa. That is the over-policing in my neighborhood, north Tulsa, 36th Street North.

Mr. COHEN. My time has expired but thank you. We will try to get back.

Now, we will recognize Mr. Johnson for 5 minutes.

Mr. JOHNSON of Louisiana. Thank you, Mr. Chair.

Speaker Shannon, you obviously had a historic rise and very successful career in the State, and we acknowledge that.

I was struck by your testimony. You testified, in part, that you were inspired by the pre-massacre success of Greenwood, the stories that your parents told you, the history teachers that were in your house, because it represented an American success story, where, despite facing horrific racism and other aspects of their lives, Tulsa's African American residents could flourish economically and socially and culturally. You noted that story can still inspire young people today.

So, the question is, what are some ways that we can emphasize great stories like that to build up and strengthen individuals and communities?

Mr. SHANNON. Thank you, Ranking Member Johnson, for the question.

As a former resident of Tulsa, I think when we think about the narrative that we tell ourselves, I am always concerned with this narrative of telling people that look like me that they can't succeed in this country because it is just not true. This country is a land of systemic opportunity. It is not a land of systemic racism. This country has afforded many people from many different backgrounds great opportunities.

Now, that doesn't negate that we have had our challenges, and many of them have been at the hands of people that look like me, and many of them have been victims, people that look like me have been victims at the hands of these crimes, much like the Tulsa Race Massacre. It is a shame. So, we have certainly had our challenges.

When we think about what Greenwood means to the nation, and how it inspires people, it is that the idea of capitalism still works. The idea that, if we really want to move people out of generational poverty, which is what we are talking about, there are steps to do:

- (1) It starts with getting an education, finishing school. Whatever school you are in, do the best you can to finish it.
- (2) Getting married and staying married. We know that those things work. That moves people out of generational poverty.
- (3) To get a job and keep a job. That is the third thing.
- (4) To invest and save.
- (5) To give back to your local community.

That is how you move people out of generational poverty, and that is exactly what the brave men and women of Greenwood did in many instances with their entrepreneurship, and they continue to inspire people from generations.

I was moved by the testimony of Uncle Red and the other survivors and his sister. I think we all can learn a great deal about their courage.

Mr. JOHNSON of Louisiana. Very good. I wish I could unpack so much of that, but we have limited time.

Let me go to Mr. Henderson, if I can, if he is still on video. Mr. Henderson, are you still with us?

Mr. HENDERSON. Yes.

Mr. JOHNSON of Louisiana. Great. Just a real quick question for you. In recent years, it has become popular for a lot of people to argue that America is a country of systemic racism rather than systemic opportunities, as Mr. Shannon just said. You testified, also, that this is not what you see. Could you expound on that a bit further? How would you describe our present situation?

Mr. HENDERSON. Well, when you look at America, you have to compare it with other countries. America is a country that has fought to free slaves. America is a country that seeks to live out the second sentence in the Declaration of Independence: "We hold these truths to be self-evident, that all men are created equal."

The governance that is instituted among men is derived from just powers from the consent of the governed. So, it is we, the private citizens, that determine how this country will move forward. We need to recognize that elections matter. Understanding the system that we live under, we keep going to another race of people

asking permission. When you look at the free-market capitalism system, you don't have to ask permission; you can actually fail your way to success. When you look at Thomas Edison, when you look at Booker T. Washington, they failed so many times, but would not give up. So, America is a great country if we look at it from the right direction. All in all, this is a great opportunity to take advantage of.

Mr. JOHNSON of Louisiana. How do you think that we can better educate this current generation of Americans about those principles? I mean, does it come down to public school curricula? Does it come down to community education? I mean, does everybody have a role in that? How do you explain that to others?

Mr. HENDERSON. Everyone has a role in that. We need to go back to critical—I am sorry—classical education, where we teach people how to think as opposed to what to think. Our education system has moved from education into actually indoctrination. We need to understand the total history of this country—the good, the bad, and the ugly—and understand that America is not where it was before; that we all play a part in it. We need to know the true history of America.

If you are a citizen of America and you don't know the history of America, you are a citizen in name only. For those of us that have cut our teeth on the true courage required for freedom's sake, we need to reach back and share with those that this is your country; you should defend this country when it is right and stand up against the wrongs that occur.

Mr. JOHNSON of Louisiana. Thank you.

I am out of time. I yield back.

Thanks to all the Witnesses for being here today.

Mr. COHEN. Thank you, sir.

We are going to go out of order because Ms. Sheila Jackson Lee is going to be Speaker Pro Temp. She has time, has to get to the Floor.

Representative Sheila Jackson Lee, you are recognized for 5 minutes.

Ms. JACKSON LEE. Mr. Chair, let me thank you and the Ranking Member for the courage to hold this hearing and to present a forum in the United States House of Representatives for these humble souls.

Let me quote William Faulkner because he does not look like me and, Mr. Counselor, he doesn't look like you. He said, "The past is never dead. It's not even the past."

So, to my friends that are here who have given an alternative history, that past never ends. That past is redlining that did not allow investment in Black communities. That past is, as the outstanding members of this holy and iconic group—Mr. Hugh Van Ellis; Ms. Viola Fletcher, Mother Fletcher, Ms. Randle—have said, they lived the past. They were not able to get the GI bill. Ms. Randle remained a domestic. She didn't finish beyond the fourth grade. That is the existing and continuing disparities.

Let me, for those who may never have seen the vibrance of Greenwood and Tulsa, and these young women with their cowboy hats on, living the dream, if you will, way back in 1921, that was Tulsa. That was the economy of this Nation embedded in that.

I would just simply say to my good friend who did not read the resolution that we are so proud to have passed honoring the 100 years, it says, "By calling upon all Americans to celebrate the ethnic, racial, and religious diversity that has made the United States the leader of a community of nations and the beacon of hope and inspiration to oppressed people everywhere." That is in H. Res. 398. That is Tulsa.

Let me tell you what else is Tulsa. If you can't make it out, this is a Negro's body with smoke coming out of it, as occurred in 1921, when 300 were thrown in a mass grave, unnamed to this day, and, as well, held in detention.

I am so glad that our friends in the Japanese American community are, in fact, supporting H.R. 40.

Let me show you that they actually had thriving businesses. That is Greenwood going up in smoke because of an incident in an elevator that has never been able to be defended or accurate.

So, let me give these questions quickly in the short time that I have for you to be reminded of this.

Let me get to counselor and Ms. Crutcher. Counselor, my time is brief, emphasize again, which most Americans would understand, the banks had my money, had their money. I remember those little books. We grew up on those little books. You go to the bank, you put the money in, and they mark in your little book that you had money.

Tell me two things. You have not been able to get the money out of the bank, and the insurance, which all of us are told to get flood insurance, to get home insurance, that you were not able to get? That is your questions. My time is 1:54.

Ms. Crutcher, I have never heard you condemn law enforcement. I have heard you say, in the name of your deceased mom and your family and the children of your brother, that he was killed in cold blood with his hands up. I want you to respond to that, as to what we need to do legislatively to be able to address this injustice.

Mr. Counselor?

Mr. SOLOMON-SIMMONS. First, Representative Lee, thank you for your leadership on H.R. 40.

In our community, yes, Dr. Olivia Hooker, who was the first African American female in the Coast Guard, from Tulsa, she talks about this, talked about this before she passed, and many other survivors—they couldn't get their money out of the banks because the banks said, "Well, hey, where's your bank book?" They said, "It burnt." They said, "Too bad."

So, we are trying to have a discussion with these banks to say let's do a forensic audit and let's go in there and find out what money may still be available to these descendants.

Secondly, yes, again, the insurance companies—these Black people in Tulsa were very sophisticated. They were business minded. They were savvy. They had policies, insurance policies. To this day, no policy actually paid anything that was a fair market value and is still owed, as we speak.

Ms. JACKSON LEE. Thank you.

Ms. Crutcher, if you would.

Dr. CRUTCHER. Yes, ma'am. I back police officers. My uncle is a police officer. My father served this country. He was a Vietnam vet-

eran. So, I have never bashed the police, but there is an oath that our law enforcement in this country that they swear to, and I believe in that oath because it simply says—and you all should read it—“We are here to protect and serve.”

My issue is that there are police officers in this country that Act antithetical to that oath that they swear to. So, what we are trying to do, and what we need for Congress to do, is Act and pass not on dumbed-down or a watered-down or a half-baked bill, but we need to end the doctrine of qualified immunity. That doctrine has hurt my family. There has been a civil lawsuit sitting on a judge’s desk since 2017. We have no closure. My mom went to her grave not seeing justice for her son. So, there are policies in place that allow police officers to get away with legal murder, and we need to make sure that we pass that.

Ms. JACKSON LEE. Thank you. Thank you.

My time has run out. I just want to put into the record this statement from the Tulsa Race Massacre that indicated in 2001 damages were up to a hundred million. Today, in 2021, it may be \$200 million.

My commitment to you is to find justice and relief, and to demand that the mayor of the city of Tulsa give you the resources to those descendants, not for him to pocket, not for the city of Tulsa, but to be able to get those raised monies—Mr. Mayor, hear me now—in the rightful hands of those descendants that are here today and those descendants of those who have died. It is now; the time is now.

I yield back, Mr. Chair. Thank you for your courtesy.

Mr. COHEN. Thank you, Representative Lee. Thank you.

Ms. ROSS, you are recognized.

Ms. ROSS. Thank you, Chair Cohen and Ranking Member Johnson, for holding this extraordinary and important hearing. Hopefully, it will not be the last of these hearings, though, hopefully, we won’t have these kinds of atrocities going forward.

I also want to thank all the Witnesses for joining us today.

While plenty can change in 100 years, the powerful testimony we have heard today reminds us that history also is alive. The Tulsa Race Massacre lives on through Mr. Van Ellis, Mother Fletcher, Mother Randle, and their descendants.

Thank you, Dr. Crutcher, for being here.

It also lives on through the families that lost their homes, their wealth, their loved ones, and the futures that they thought they would have.

For those who do not believe that racism exists in the United States, I hope the testimony of our Witnesses helped them understand that racism and brutality 100 years ago, 400 years ago, continues to stand in the way of the success of the people here today.

Tulsa is not the only city where violent White supremacy has set our Nation back. In my State of North Carolina, White supremacists carried out a massacre and a coup d’état in 1898, toppling the multiracial government in the majority Black city of Wilmington. Like Tulsa, Wilmington was once the home to a thriving Black community. White supremacists were able to demolish Black homes and businesses, kill Black civilians, and overthrow a demo-

cratically elected government because the system of power in our Nation and our State did not intervene.

My first question is for Mr. Solomon-Simmons about the aftermath of the massacre. It is a dramatic example of how racism, both in the form of violence, but also discrimination in government policy, has contributed to the wealth gap between White and Black households in present-day America. How did the massacre and its aftermath impact survivors and their descendants' ability to build and pass on generational wealth?

Mr. SOLOMON-SIMMONS. Thank you, Representative Ross, for that question.

In many ways, it was impacted. First, up to the '40s and the '50s, for those individuals in Greenwood who survived the massacre and were not run out as refugees, they were severely neglected by the city of Tulsa. They didn't receive any type of city services. They didn't have paved streets. They didn't even have proper plumbing, so they could have running water in their homes.

Then, they brought in urban renewal, which we call in Tulsa "Negro removal." They used that policy to steal the rest of the land that they hadn't stolen during the massacre. The final nail was when they put Highway 244 directly, squarely in the Black community through Greenwood, to purposely destroy any opportunity for Greenwood to thrive again.

So, this has been the remnants. Right now, if you come to Tulsa, you will see a thriving, beautiful, modern, metropolitan city south of I-244. That is White Tulsa. North of that highway, which is north Tulsa and Black, there are no businesses, hardly any businesses. There are no buildings going up. There are no high-rises, nothing like that. It is as stark as night and day.

Ms. ROSS. Thank you very much.

My next question is for Ms. Heath. So, I brought up the massacre in Wilmington. What happened in Tulsa is particularly unique at this 100-year mark because it was an entirely Black community. Wilmington was an example where Blacks and Whites lived together and some people just didn't like that.

Could you tell us about other instances in our history where we have seen White supremacists intervene in people's thriving, multi-racial economies?

Ms. HEATH. Thank you.

Yes, the United States has a history of White supremacists invading Black neighborhoods or coalescing among Black neighborhoods and, quite frankly, all of a sudden, getting sick of some type of economic progress or social progress that creates equitable conditions for Black people in those neighborhoods.

The "Red Summer of 1919" is a prime example of dozens of race massacres, also coined as race riots in history, which is a false narrative that does not account for the deliberate and designed destruction of Black neighborhoods and their success.

So, post-Reconstruction, pre-Reconstruction, all the way up to the spirit of what had Members of Congress laying on the floor during January 6th, is a product of White supremacy in this country.

Ms. ROSS. Thank you very much.

Mr. Chair, I yield back.

Mr. COHEN. Thank you, Ms. Ross.

Next in order is Mr. Hank Johnson, who has been a leader on this issue in the Congressional Black Caucus and a leader on this issue and others throughout his time in Congress, since 2007.

Mr. JOHNSON of Georgia. Thank you, Mr. Chair, for holding this very important hearing.

I also want to thank the survivors of the massacre who spoke on the first panel and shared their stories with us today.

As the 100th year anniversary of the Tulsa-Greenwood Massacre approaches, we must examine this part of our history, lest we be bound to repeat it. The massacre of Black lives may have been the deadliest, but it certainly was not an isolated event. Black people in this country continue to fight against racist violence even today and the legacy of racist violence. We cannot let our future be defined by hate any longer and by racism any longer.

Later today, I will introduce the Tulsa-Greenwood Massacre Accountability Claims Act, which will create a Federal cause of action for massacre-related claims. The victims of this atrocity have been denied justice for far too long. Similar legislation was previously introduced by my friend, the former Congressman and former Chair of the Judiciary Committee, John Conyers. I am honored to continue his legacy in this way.

Ms. Heath, why is congressional action so important to create accountability, and why accountability so important after atrocities such as Greenwood?

Ms. HEATH. Thank you.

As you heard from Mr. Miller and Mr. Solomon-Simmons, the courts have failed to deliver justice necessary and hear the merits of these atrocities. Therefore, legislative remedy is incredibly important post-any serious or gross human rights violations, such as the Tulsa Race Massacre or including acts of racial discrimination, which include housing, education, employment, racial discrimination in the United States today impacting Black people.

It is incredibly important that repair mechanisms are proportional to the harms that were committed and not just symbolic. In the case of Greenwood, material damage was done, including moral damage which should be compensated for. Under international law, there are various forms of reparation, in addition to financial compensation, legal and institutional reforms also that need to be administered in the case of Greenwood. All forms of repair, given the damage that was done in Greenwood, need to be on the table to provide full restitution to the gravity of the harms and crimes committed.

Mr. JOHNSON of Georgia. Thank you.

Attorney Solomon-Simmons, would you care to respond to that question?

Mr. SOLOMON-SIMMONS. Well, again, because this body, this Congress has shown the ability throughout our history with the Japanese internment camp survivors, the 9/11 Commission, that it is important for the Congress, the United States of America, to say, what happened to these people was wrong. We have the power to remedy it and we should remedy it. We must have accountability for what happened in Greenwood.

Because if we don't have accountability for what happened in Greenwood, it will only happen again. It is not enough just to know

something happened, so you won't repeat it. You have to know there are consequences that it happened. So far, there haven't been any consequences from anyone at this point, and we hope and pray that we can get some consequences from Congress.

Mr. JOHNSON of Georgia. Thank you.

Ms. Heath, are you aware, and Professor Miller, are you all aware of any instances in this country where Black people have received reparation for harm done to them?

Ms. HEATH. Yes. In 1923, the Rosewood Race Massacre occurred two years after the Tulsa Race Massacre. Victims in the 1990s were compensated, including their descendants, with scholarships. In addition, North Carolina compensated victims of forced sterilization for a discriminatory eugenics law. So, reparations have been paid, but not to descendants of enslaved Africans at the grander level and, also, in this case of Tulsa and many other incidents of racial violence.

Mr. MILLER. If we think broadly about reparations, the Federal government has actually already made it possible for African Americans—for example, Black farmers—to sue to gain some compensation. So, Congress has taken a lead on this before and—

Mr. COHEN. You might need to turn your microphone on, Professor. Was it already on?

Mr. MILLER. Sorry, I thought it was on. Did you not hear me?

All right. So, Congress has taken the lead on this before; for example, with the Black farmers legislation, and I am glad that Congress is taking a lead on it again.

Mr. JOHNSON of Georgia. Thank you.

So, H.R. 40 or the Tulsa-Greenwood Massacre Accountability Claims Act would not be new. It would not be unique. It would not be a trailblazer. It would just be a continuation of justice that has been afforded to certain victims of racism in this country throughout our history. Is that correct?

Mr. MILLER. That is correct. It is worth recognizing that States—California has been a leader in affording this sort of relief to, for example, victims of Armenian genocide, braceros, Holocaust survivors. So, it is long overdue for African Americans as well.

Mr. JOHNSON of Georgia. Thank you, and I yield back.

Mr. COHEN. Thank you, Mr. Johnson.

Ms. Garcia from Texas is recognized for 5 minutes.

Ms. GARCIA. Thank you, Mr. Chair, and thank you so much for bringing this hearing forward. I think it is historic and just.

The courage and the tenacity and just the wherewithal of the survivors to be here with us this morning, and to share their stories, was very, very, very moving and compelling. I hope that more Americans get to see it. I hope that children get to see it. I hope that anyone who studies history sees it.

So, thank you for doing this. I am so glad that, also, you are livestreaming this to make sure that people make note.

It is shame; 100 years since the Tulsa-Greenwood Race Massacre, and we still find ourselves striving for equal justice under the law for all Americans. Uncle Red said it best: We all need to work together because we are one. We all need to work together because we are one.

So, it is important that we commemorate this centennial anniversary of this massacre to educate new generations of our country's history, to learn from it and heal from it, to restore justice for the Greenwood district community, as well as many other long-suffering communities alike. That is why I am a cosponsor of H.Res. 398, the resolution.

Like President Biden has said, "to heal, we must understand." To heal, we must understand. That is why I also support H.R. 40 and I am a proud sponsor together with many others here in Congress.

Today, I have learned of yet another bill that would help restore justice for all, and that is the Accountability Act that Mr. Johnson just mentioned. I will certainly sign up to be a sponsor in that bill.

I agree with our nation's top law enforcement official, Attorney General Merrick Garland, that we are obligated to protect each other. That is why highlighting this event 100 years later, when racial hatred drove individuals to carry out unspeakable acts of violence against our own fellow Americans teaches us about the evils that are perpetuated by White supremacists. Let's be clear. We will not rest until there is justice for all.

If you listen to the words of Mother Fletcher, she said that she has lived this massacre every single day—every day. We owe it to her and all the others to make sure that we make change, and we do it now, not later. Hate because of the color of one's skin shall never win. We cannot let it win. America prevails when we come together in peace. As Uncle Red said, we are one.

So, I want to begin with you, Attorney Simmons. I noticed in—it may have been your written testimony—that groups even like Sinclair Oil loaned them the planes—loaned them the planes. We hear, and the Chair asked questions, about the insurance companies. So, businesses were involved with this. Have we been able to get a handle on how we can go to the successor businesses? Sinclair Oil I believe still exists. Those companies, obviously, were bought by someone. Have we been able to try to get any damages from them?

Mr. SOLOMON-SIMMONS. Thank you for your question.

We are in the process of that. We have reached out to several companies, including Sinclair Oil. They are still around. Then, many, many insurance companies, banks, other publications, and we are trying to hold everyone accountable. So far, not many people want to talk to us and have a conversation. That is why we reached out and said, "Let's have a conversation, because these people in Tulsa, my people in Tulsa, they need healing, and you were a part of this 100 years ago, and here's the proof of it."

Ms. GARCIA. Right. I know that, also, I read that there was a commission set up in Oklahoma, and that they did say that reparations should go to the historic Greenwood community in some way; and that it would do much to repair the emotional and physical scars of this terrible incident. Have they done anything? Is there anything that we can do to nudge them, push them?

Mr. SOLOMON-SIMMONS. Well, first, they have not done anything. In fact, those same perpetrators of the massacre are now utilizing the massacre to line their own pockets. So, in fact, they haven't done anything; they have done worse. They have actually compounded the trauma, and they have soaked up all the resources

that good people from around the Nation that want to support the Black people of Tulsa—they don't understand that they are actually supporting the city of Tulsa and the White business owners in Tulsa. That is what is actually happening right now.

I think just this hearing, people understanding the difference, understanding that groups on the ground like the Crutcher Foundation, Justice for Greenwood, the Black Wall Street Legacy Festival are actually working directly with survivors and descendants, and not the city of Tulsa and the Chamber of Commerce and the State of Oklahoma; they are working for themselves. They are trying to do exactly what they did in 1921 when Tulsa created this slogan called "Tulsa Will."

Now, they have a slogan that says, "Tulsa Triumphed" to try to say, oh, Tulsa has triumphed over this bad history. The fact is Tulsa, the city, triumphed over Greenwood. It was Greenwood that was destroyed. It was Greenwood that was looted. It is Greenwood that needs repair, not Tulsa.

Ms. GARCIA. Thank you.

Mr. Chairn, I see my time has expired. I yield back.

Mr. COHEN. Thank you, Ms. Garcia, for your statement and your questions.

Ms. Bush, a freshman, but experienced and a very important Member of this Committee from Missouri, is recognized.

Ms. BUSH. St. Louis.

I thank you, Chair Cohen, for convening this hearing.

It is both an honor and a profoundly sobering privilege to be sharing space with you, and to Mr. Van Ellis, to Mother Fletcher, and Mother Randle, with them as well, I hope to be able to actually meet them.

When I go home today—and this is to them—when I go home today, I will call my 7-year-old nephew and tell him about my day. I will tell him that I got to see and hear American heroes today. I will tell him that I spoke to them in awe that they lived, all those things that they talked about and how they lived in a neighborhood much like his in St. Louis; that he lives in a neighborhood with local schools just like they did and favorite parks where he spends his holidays the same way they do, and where he celebrates some of his life's most precious moments, the same way that they did. Unlike in his neighborhood in St. Louis, this vibrant, beautiful community in Tulsa was burned down. Yet, Mother Fletcher, Mother Randle, and Mr. Van Ellis are still here with us today, sharing their storage of courage.

To my colleagues on this Committee, there is only one reason why descendants of the Tulsa Massacre have not been compensated. That reason is racism. It's anti-Black racism, to be clear, and it has been stated a couple of times, and I want to State it again. It's anti-Black racism. Racism is not just slavery and Jim Crow. It is the daily violence that is enacted on our communities each and every day we live in this White supremacist society.

Racism is when a group of our elders come to our halls to testify about the massacre they survived without any clear commitment from our leaders as to the reparations they are owed. That is out-right racism, full stop.

What happened in Tulsa on the evening of May 31st and that continued into the day of June 1st, 1921, was a failure of the highest proportions. For 24 hours the community was under attack, traumatized, brutalized, terrorized, and killed—for no other reason than for being Black. It was the failure of our government that helped enable the violent massacre. It was the failure of our leaders—our leaders—for being complicit in White supremacist violence. It was the failure of our country for failing to protect its own citizens.

It is a failure only made possible because racism is alive and well in this country. It was alive when a White mob burned Tulsa to a crisp. It is alive now, as we debate the merits of repairing harm. Underlying the generational trauma and exploitation is a government that refused to even acknowledge the humanity of our ancestors enslaved and terrorized under White supremacy, a government that to this day refuses to acknowledge or atone for its ongoing racism—ongoing and ongoing racism.

So, let me ask, Ms. Goodwin, how has your family, if you could just tell us briefly, how has your family's history been affected by the Tulsa Massacre? Then, I have a question for Mr. Crutcher. Ms. Goodwin, how has your family's history been affected by the massacre? If you could name like three things that like really stick out?

Ms. GOODWIN. Well, one that sticks out is the generational wealth that could have been, basically, accrued by now. There was some \$76,244 back in 1921. In today's dollars, that is some \$900,000, and perhaps \$1.2 million.

Ms. BUSH. My goodness.

Ms. GOODWIN. So, if we just talk about the material loss, that is what you would deal with. If you want to talk about the scars and, as it has been said over and over again, the ongoing trauma, we feel this every day because we live in this community. As it has been said, we see a community that is being gentrified. We see a community right now where this massacre is being monetized by Greenwood Rising and all this hoopla. The three folks that we could do right by, right now they are still living.

Ms. BUSH. Yes.

Ms. GOODWIN. So, I say to you that we feel that. Okay?

Ms. BUSH. Yes.

Ms. GOODWIN. When you say three things, I could name 30 things.

Ms. BUSH. Okay. I am running out of time but thank you.

Ms. GOODWIN. Okay.

I am going to move to Ms. Crutcher. I only have a few seconds left. Could you tell us, what does justice look like to you in your community? Thank you for sharing what you shared with us today. If you could say what justice is for Tulsa right now, what is that?

Dr. CRUTCHER. Justice is simply restitution, repair, and respect.

Ms. BUSH. Thank you.

Dr. CRUTCHER. Those three words, that is what justice looks like.

Ms. BUSH. Thank you.

I want to end my remarks by talking directly to all the Black people, the young people, who are listening to this discussion today. Know that this country's legacy of racism is still alive today. Our lives, our very existence, is a testimony—it is a testament to our

will and our strength. It is a testament to our power as a people and how much has stood in our way, in the way of our survival. Yet, we are still here. We saw three people; they are still here. We are fighting for a world that honors our dignity and our humanity, and know that we will always do this work of liberation and justice for each and every person until it is won.

Thank you. Thank you.

[Applause.]

Mr. COHEN. That concludes today's hearing, and I am going to conclude it in a most unusual manner, in that I am going to advertise a television show.

On May the 30th, at 8:00 p.m. Eastern Time, a program called "Tulsa Burning: The 1921 Race Massacre" will be shown on the History Channel. This is an important program for those of you who have watched and those who haven't had the opportunity to watch, to view.

Coincidentally, and just as a Wizards fan, it is produced by Russell Westbrook. It will be history.

I have learned much today, and I have learned much over the years, about the Tulsa Race Massacre, and we need to take action and show that our country understands what Faulkner said: "The past is not the past. The past is never dead. We are living now. The past is still with us."

I want to thank all our Witnesses for appearing today.

Without objection, all Members will have five legislative days to submit additional written questions for the Witnesses or additional materials for the record.

With that, the hearing is adjourned.

[Whereupon, at 12:26 p.m., the Subcommittee was adjourned.]

