

111TH CONGRESS
1ST SESSION

H. R. 1843

To provide a mechanism for a determination on the merits of the claims brought by survivors and descendants of the victims of the Tulsa, Oklahoma, Race Riot of 1921 but who were denied that determination.

IN THE HOUSE OF REPRESENTATIVES

APRIL 1, 2009

Mr. CONYERS (for himself, Mr. NADLER of New York, Mr. SCOTT of Virginia, Ms. WATERS, Mr. CLEAVER, Ms. LEE of California, Mr. GRIJALVA, and Ms. JACKSON-LEE of Texas) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide a mechanism for a determination on the merits of the claims brought by survivors and descendants of the victims of the Tulsa, Oklahoma, Race Riot of 1921 but who were denied that determination.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “John Hope Franklin
5 Tulsa-Greenwood Race Riot Claims Accountability Act of
6 2009”.

1 **SEC. 2. FINDINGS.**

2 The Congress makes the following findings:

3 (1) In 1921, Greenwood (a community in
4 Tulsa, Oklahoma) was one of the most prosperous
5 African-American communities in the United States.
6 Serving over 8,000 residents, Greenwood's commer-
7 cial district was known nationally as the "Negro
8 Wall Street". The community boasted two news-
9 papers, over a dozen churches, and hundreds of Afri-
10 can-American-owned businesses.

11 (2) On the evening of May 31, 1921, the Afri-
12 can-American Greenwood community of Tulsa, Okla-
13 homa, was ravaged by a White mob. By the conclu-
14 sion of the riot at midday, June 1, virtually every
15 building in a 42-square-block area of the commu-
16 nity—homes, schools, churches, and businesses—was
17 burned to the ground and thousands were left home-
18 less. Over 1,200 homes were destroyed. Every
19 church, school, and business in Greenwood was set
20 on fire. Approximately 8,000 African-Americans
21 were left homeless and penniless. Unable to rebuild,
22 thousands of residents spent the winter of 1921–
23 1922 in tents.

24 (3) Credible evidence supports the belief that
25 up to 300 African-Americans were killed during the

1 riot. As many victims were buried in unmarked
2 graves, an exact accounting is impossible.

3 (4) In the wake of the White mob destruction
4 of the Greenwood District, a State-convened grand
5 jury officially placed responsibility for the violence
6 on the African-American community, exonerating
7 Whites of all responsibility. Neither the State nor
8 the city undertook any investigations or prosecu-
9 tions, and documents relating to the riot vanished
10 from State archives. Ultimately, no convictions were
11 obtained for the incidents of murder, arson, or lar-
12 ceny connected with the riot.

13 (5) None of the more than 100 contempora-
14 neously filed lawsuits by residents and property own-
15 ers in Greenwood were successful in recovering dam-
16 ages from insurance companies to assist in the re-
17 construction of the community. After the city at-
18 tempted to block their redevelopment efforts, victims
19 were forced to rebuild with their own resources or
20 abandon the community.

21 (6) State and local governments suppressed or
22 ignored issues and claims arising from the 1921 riot,
23 effectively excising it from collective memory, until
24 the Oklahoma Legislature created a commission to
25 study the event in 1997. The commission's February

1 28, 2001, report uncovered new information and de-
2 tailed, for the first time, the extent of involvement
3 by the State and city government in prosecuting and
4 erasing evidence of the riot (Okla. Stat. Tit. 74 Sec-
5 tion 8000.1 (West 2005)).

6 (7) The documentation assembled by The 1921
7 Tulsa Race Riot Commission provides strong evi-
8 dence that some local municipal and county officials
9 failed to take actions to calm or contain the situa-
10 tion once violence erupted and, in some cases, be-
11 came participants in the subsequent violence, and
12 even deputized and armed many Whites who were
13 part of a mob that killed, looted, and burned down
14 the Greenwood area.

15 (8) Based on new information contained in the
16 report, the Greenwood claimants filed suit, pursuant
17 to the laws codified in sections 1981, 1983, and 1985
18 of title 42 of the United States Code and the 14th
19 amendment, seeking damages for the injuries sus-
20 tained in the riot as a result of the government's in-
21 volvement. Their claims were dismissed as time
22 barred by the court, and so were not determined on
23 the merits. 382 F.3d 1206 (10th Cir. 2004), rehrg
24 en banc denied (with dissent), 391 F. 3d 1155 (10th

1 Cir. 2004), cert denied *Alexander v. State of Okla-*
2 *homa*, 544 U.S. 1044 (2005).

3 **SEC. 3. DETERMINATION ON MERITS FOR GREENWOOD**
4 **CLAIMANTS.**

5 (a) IN GENERAL.—Any Greenwood claimant who has
6 not previously obtained a determination on the merits of
7 a Greenwood claim may, in a civil action commenced not
8 later than 5 years after the date of the enactment of this
9 Act, obtain that determination.

10 (b) INTENT OF CONGRESS AS TO REMEDIAL NATURE
11 OF SECTION.—It is the intent of Congress that this sec-
12 tion be liberally construed so as to effectuate its remedial
13 purpose of giving a full determination on the merits for
14 each Greenwood claim denied that determination.

15 (c) DEFINITIONS.—In this Act—

16 (1) the term “Greenwood claimant” means an
17 individual who filed a discrimination complaint aris-
18 ing from conduct connected to the May 31, 1921,
19 race riot in Tulsa, Oklahoma; and

20 (2) the term “Greenwood claim” means a com-
21 plaint filed in the *Alexander v. State of Oklahoma*
22 litigation that was dismissed as time barred by the
23 Federal court.

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