

Statement of

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

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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

The 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.