

Written Statement of

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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

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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 the 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

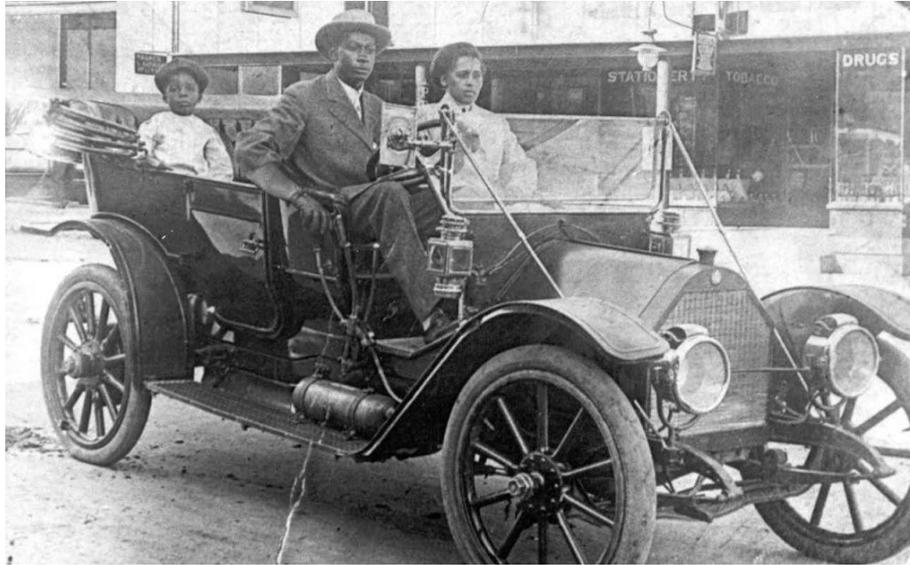
By May 30, 1921, Black Greenwood residents had built their own “Wall Street”—a vibrant, peaceful, and extraordinarily prosperous community located in the district known as Greenwood.

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.*

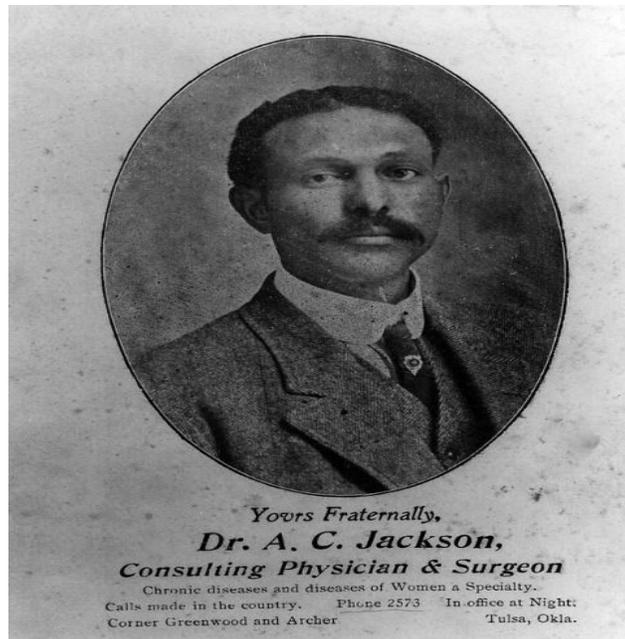
The newly deputized members of the Tulsa Police Department, County Sheriff's office, City, Chamber, and County officials set fire to almost fifteen hundred Greenwood residents' homes and businesses. One witness, Judge John A. Oliphant, testified that, "Instead of protecting property, they were the chief 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.

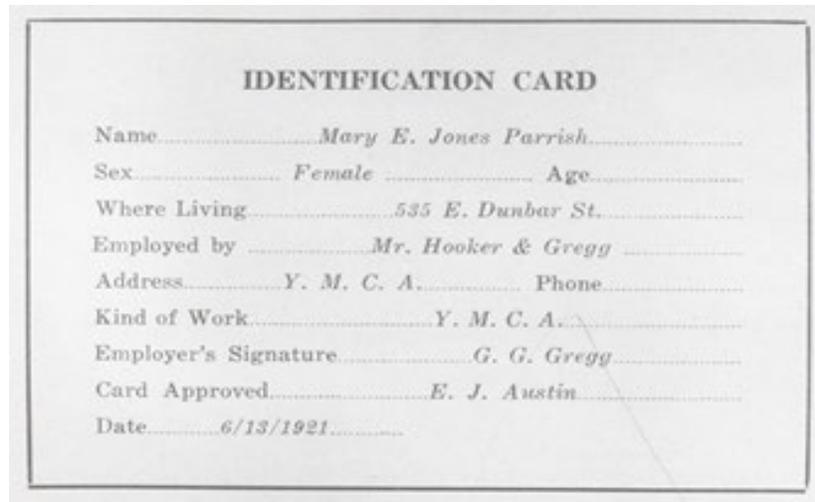
Under the authority of the Public Welfare Board, more than 6,000 Greenwood residents were forcefully detained in what the *Tulsa World* called “concentration camps.”¹⁸ Those camps, including the Ballpark and Convention Center, were guarded by armed White men including the City’s police and members of 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).



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://theblackwallsttimes.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.

races 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://tulsaworld.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.

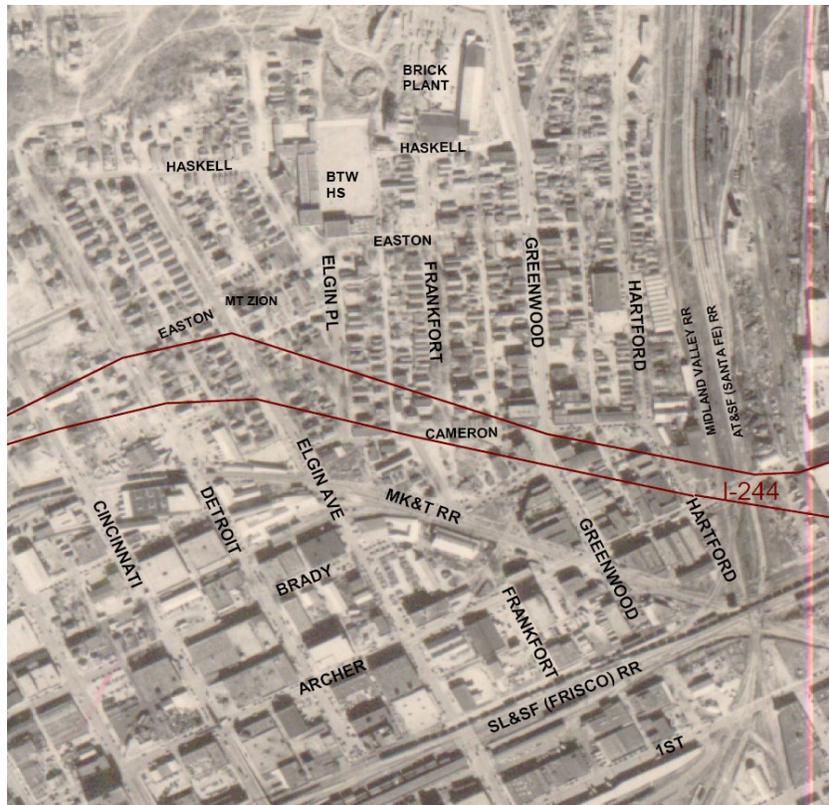
Throughout the 1950s, 1960s, and 1970s, Massacre perpetrators implemented or promoted discriminatory policies of "urban renewal" and urban planning initiatives without regard for the health and safety needs of the Greenwood and North Tulsa communities and Black Tulsans. Their failure to include the Greenwood 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_b50f1bf9-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/tulas-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.

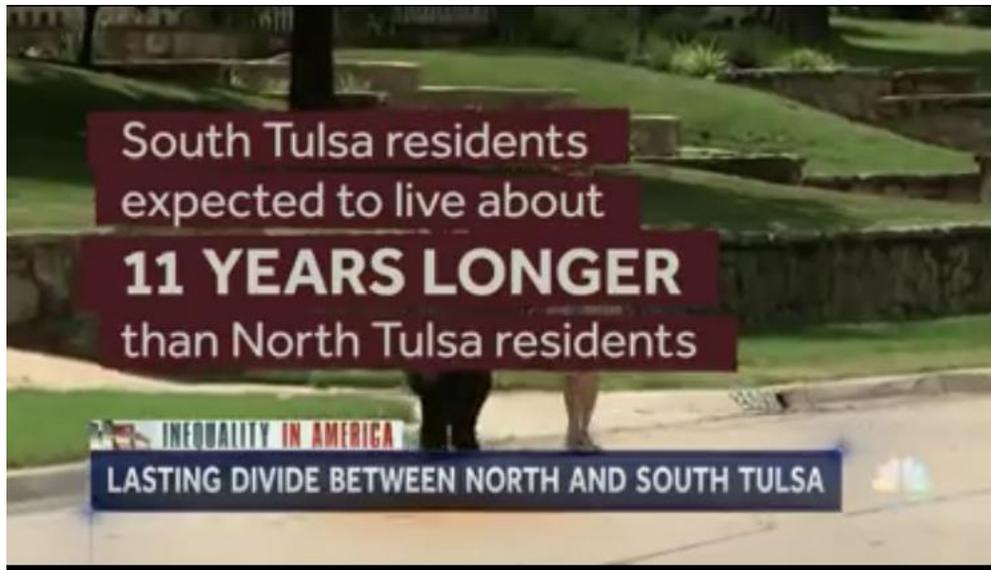
⁵⁵ See *City of Tulsa 36th Street North Corridor Small Area Plan*, <https://www.cityoftulsa.org/media/1560/36snc.pdf>.

- 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/1560/36snc.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.