

ENGROSSED HOUSE  
JOINT  
RESOLUTION NO. 1035

By: Ross and Sullivan  
(Leonard) of the House

and

Horner of the Senate

A Joint Resolution relating to reparations for racially motivated wrongful conduct; making findings regarding events occurring within the City of Tulsa during the months of May and June, 1921; creating the 1921 Tulsa Race Riot Reparations Commission; providing for membership; imposing duties upon Commission; providing for applicability of certain statutory provisions; providing exemption from certain statutory provisions; providing for codification; and providing an effective date.

WHEREAS, during the month of May, 1921, and in the early days of June, 1921, an incident took place in the City of Tulsa involving accusations of criminal conduct by an individual named Dick Rowland; and

WHEREAS, Mr. Rowland was placed under arrest and was taken into custody by the law enforcement officials of the City of Tulsa and was incarcerated in the Tulsa County jail; and

WHEREAS, after his arrest a number of people assembled for the apparent purpose of unlawfully removing Mr. Rowland from the jail in order to cause his wrongful death without awaiting the outcome of a criminal proceeding during which Mr. Rowland would have had an opportunity to have presented a defense to the actions charged against him; and

WHEREAS, the assembly became unruly and riotous in its conduct and persons who were asked by law enforcement officials to disperse refused to do so; and

WHEREAS, certain persons acted without regard to their personal safety and attempted to quiet the assembly which had taken on the character of a lynch mob; and

WHEREAS, Mr. J.B. Stratford took action among the residents of the Greenwood area to organize a group to assist law enforcement officials in preventing a mob from removing Dick Rowland from the jail for the apparent purpose of committing an act of premeditated murder; and

WHEREAS, the assembly and other persons began to commit acts against the persons and property of certain residents of the area of the City of Tulsa then known as "Greenwood" which, because of racial segregation prevalent at the time, was an area of Tulsa consisting of residences and businesses of primarily black persons; and

WHEREAS, the wrongful acts consisted of assault, aggravated assault, arson, battery, trespass against persons and property, false imprisonment, malicious destruction of property, attempted murder, murder and manslaughter; and

WHEREAS, these criminal acts were directed primarily against men, women and children who resided in and conducted their lawful business in the Greenwood area of Tulsa; and

WHEREAS, the civil unrest precipitated into a wide scale attack on the persons and property of many black residents of the City of Tulsa; and

WHEREAS, the Governor of the State of Oklahoma activated the National Guard and dispatched a number of armed soldiers in order to attempt to restore the peace within the City of Tulsa; and

WHEREAS, as a result of actions taken by certain members of the forces which were dispatched to the scene, all black men, women and children were removed from the protection of their lawful homes and taken into a form of custody which resulted in their continued confinement; and

WHEREAS, the internment of black citizens made it impossible for residents to remain in the Greenwood area in order to protect real and personal property resulting in a situation in which continued tortuous and criminal acts took place; and

WHEREAS, there have been historical accounts of as many as 300 deaths resulting from the criminal actions committed on or about May 31, 1921 and June 1, 1921, in the City of Tulsa; and

WHEREAS, many black persons were unlawfully and wrongfully deprived of real and personal property, income from property, their homes, belongings and other effects; and

WHEREAS, many black persons lost family members and friends as a result of both organized and random acts of violence committed against black persons; and

WHEREAS, the persons against whom these criminal acts were committed were innocent of any wrongdoing with respect to the aggressors and were victims of social and legal conditions which tolerated the criminal acts primarily because of the inequality of treatment which existed with respect to black persons at that time in Oklahoma and American history; and

WHEREAS, the economic and personal losses sustained by the Greenwood community and the persons who made their homes and who conducted their lawful business activity there were not compensated at the time of the incident; and

WHEREAS, there is historical support for the conclusion that the City of Tulsa and the State of Oklahoma, through actions or omissions of the Oklahoma National Guard and law enforcement

officials of the City of Tulsa contributed to the losses sustained by black persons during the Tulsa Race Riot; and

WHEREAS, black persons of that era were practically denied equal access to the civil or criminal justice system in order to obtain damages or other relief for the tortuous and criminal conduct which had been committed; and

WHEREAS, actions by entities of the City of Tulsa during the period after the riot were designed to prevent the reconstruction of the residences in the Greenwood area, including an ordinance which effectively would have prevented the redevelopment of the Greenwood area for residential use; and

WHEREAS, a black lawyer, Mr. B.C. Franklin, and other lawyers filed a civil lawsuit challenging the constitutionality of the ordinance; and

WHEREAS, a district court declared the city ordinance unconstitutional as a deprivation of property without due process of law - a ruling that eventually permitted the redevelopment of the Greenwood area for residential redevelopment; and

WHEREAS, the Greenwood community and the residents who lived and worked there were irrevocably damaged by the tortuous and criminal conduct that occurred during the Tulsa Race Riot; and

WHEREAS, the State of Oklahoma is committed to the principles of equal treatment under the law and to the fundamental concept that all persons are entitled to justice, irrespective of their race; and

WHEREAS, at the time of the 1921 riot in the City of Tulsa, the Oklahoma Constitution contained provisions, still effective as law which provided that: "All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry."; and further that: "The courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property, or reputation; and right and justice shall be administered

without sale, denial, delay or prejudice."; and further that: "No person shall be deprived of life, liberty, or property, without due process of law."; and

WHEREAS, the State of Oklahoma acknowledges that its political subdivisions are units of government which are vital components of the state as a governmental jurisdiction and that a sense of legal, moral and social justice and responsibility among governmental entities for their respective roles in the losses sustained during the 1921 race riot may now be a proper subject for financial reparations to certain persons given the concepts expressed in the Oklahoma Constitution and the commitment of the State of Oklahoma and its political subdivisions to justice in practice as well as in theory; and

WHEREAS, expenditures of public funds for reparations and other items or programs are appropriate even today given the extent of the losses sustained by the black community of Greenwood and the detrimental impact caused to the black population of the City of Tulsa; and

WHEREAS, the historical significance of the Tulsa race riot should never be lost nor the lessons of the subsequent 75 years of progress in the equal treatment of all persons regardless of their race be forgotten or diminished in any way.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES AND THE SENATE OF THE 1ST SESSION OF THE 46TH OKLAHOMA LEGISLATURE:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8201 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. There is hereby created the 1921 Tulsa Race Riot Reparations Commission. The Commission shall consist of nine (9) members as follows:

1. From a list of five nominees submitted by the Speaker of the House of Representatives, the Governor shall appoint three members;

2. From a list of five nominees submitted by the President Pro Tempore of the Senate, the Governor shall appoint three members;

3. The Director of the Oklahoma Human Rights Commission shall serve exofficio, but shall be a voting member of the Commission. The Director shall be authorized to appoint a designee to attend meetings and to vote on matters considered by the Commission;

4. The Director of the Oklahoma Historical Society shall serve exofficio, but shall be a voting member of the Commission. The Director shall be authorized to appoint a designee to attend meetings and to vote on matters considered by the Commission; and

5. The Mayor of the City of Tulsa shall appoint three persons, one of whom must have been a resident of the City of Tulsa at the time the incident occurred, from a list of five nominees submitted by the council member in whose ward or equivalent political subdivision is located the area of the City of Tulsa known as "Greenwood".

B. Each person appointed to the Commission shall serve at the pleasure of the appointing authority. No person appointed to any of the positions constituting the Commission who is, at the time of appointment to the Commission or subsequent to the date of appointment, a public official or officer shall be deemed to be serving in a dual capacity and such person shall be specifically exempt from the provisions of Section 6 of Title 51 of the Oklahoma Statutes. The Commission shall conduct its initial meeting not later than ninety (90) days after the effective date of this act. The Commission shall be authorized to expend a sum appropriated to it for purposes of hiring persons to assist the Commission in its functions, research expenses in conducting the historical study, or other costs related to the performance of its official duties.

C. The Commission shall be authorized to conduct its meetings as often as may be required in order to perform the duties imposed

upon it by law. A quorum of the Commission shall be required in order for any official action of the Commission.

D. The Commission shall undertake a study to develop a historical record and may review the feasibility of making financial reparations to the survivors of the 1921 Tulsa Race Riot who:

1. Can provide adequate proof to the Commission that the applicant for any funds was an actual resident of the Greenwood area or community of the City of Tulsa on or about May 31, 1921, or June 1, 1921; or

2. Can demonstrate to the satisfaction of the members of the Commission that the applicant sustained an identifiable loss to their person, personal relations, real property, personal property or other loss as a result of tortuous or criminal conduct, whether or not the conduct was ever adjudicated, occurring during the period beginning on or about May 31, 1921, and ending not later than June 30, 1921, resulting from the activity commonly described as the 1921 Tulsa Race Riot.

SECTION 2. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8202 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. The 1921 Tulsa Race Riot Reparations Commission shall be subject to the provisions of the:

1. Oklahoma Open Meeting Act; and
2. Oklahoma Open Records Act.

B. The 1921 Tulsa Race Riot Reparations Commission shall not be subject to the the provisions of:

1. The Oklahoma Central Purchasing Act;
2. The Oklahoma Sunset Law;
3. The State Travel Reimbursement Act;
4. The Governmental Tort Claims Act; or
5. The Oklahoma Administrative Procedures Act.

SECTION 3. This act shall become effective July 1, 1997.

Passed the House of Representatives the 12th day of March, 1997.

Speaker of the House of  
Representatives

Passed the Senate the \_\_\_\_ day of \_\_\_\_\_, 1997.

President of the Senate