

ENROLLED HOUSE
JOINT
RESOLUTION NO. 1035

By: Ross, Sullivan
(Leonard), Gilbert and
Pettigrew of the House

and

Horner of the Senate

A Joint Resolution relating to 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 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 tortious 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 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 tortious 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 purposes; and

WHEREAS, the Greenwood community and the residents who lived and worked there were irrevocably damaged by the tortious 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 the loss sustained during the Tulsa Race Riot is now a proper subject for study of the impact of the Tulsa Race Riot upon 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, a study of the incident and possible recommendations for expenditure of public funds is 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 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 ex officio, 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 ex officio, 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. From a list of five nominees submitted by the City Council of the City of Tulsa, the Mayor of the City of Tulsa shall appoint three persons, one of whom must be a survivor of the Tulsa Race Riot incident, and two of whom must be residents in the area of the ward or equivalent political subdivision for the Tulsa City Council known as "Greenwood", also historically identified as "Black Wall Street of America".

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 of the 1921 Tulsa Race Riot including the identification of persons who:

1. Can provide adequate proof to the Commission that the person 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 person sustained an identifiable loss to their person, personal relations, real property, personal property or other loss as a result of tortious 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.

E. The Commission shall be authorized to gather information, identify and interview witnesses or other persons with knowledge of relevant events and to preserve testimony and records obtained, to examine and copy documents, instruments and writings, to obtain or examine physical objects or to reproduce, to the extent practical, objects or devices relevant to the inquiry by the Commission, and to otherwise take such actions as may be necessary or proper in the task of accurately identifying persons, places or objects having historical significance for Commission purposes.

F. The Commission shall produce a written report of its findings and recommendations and shall submit the report to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, the Mayor and each member of the City Council of the City of Tulsa not later than January 5, 1999. The report may contain specific recommendations regarding whether or not reparations can or should be made and the appropriate methods to achieve the recommendations made in the final report.

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 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 Commission shall not be subject to 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 November 1, 1997.

Passed the House of Representatives the 15th day of April, 1997.

Speaker of the House of
Representatives

Passed the Senate the 7th day of April, 1997.

President of the Senate