

STATE OF OKLAHOMA

1st Session of the 48th Legislature (2001)

HOUSE JOINT  
RESOLUTION HJR1029

By: Ross

AS INTRODUCED

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; amending Section 1, House Joint Resolution No. 1035, p. 2836, O.S.L. 1997, as last amended by Section 1, Chapter 36, O.S.L. 2000 (74 O.S. Supp. 2000, Section 8201), which relates to the Tulsa Race Riot Commission; extending the term of the Commission; deleting certain obsolete language; requiring the Commission to establish criteria and a list of survivors; directing the Commission to monitor certain programs; creating the Omnibus Tulsa Race Riot Disaster Victim Relief Act; declaring that certain survivors of the 1921 Tulsa Race Riot are entitled to compensation; establishing amount of compensation; requiring confirmation of eligibility for compensation; declaring that certain compensation be provided to the Greenwood area; providing for investment of certain amount for certain purposes; creating the 1921 Tulsa Race Riot Victims Relief Revolving Fund; stating source and purpose of fund; 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 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 Oklahoma Superior Court's opinion in Redfern v. American Central Insurance Company, 221 p. 929 (1926), acknowledges the City of Tulsa's involvement in the riot by stating that a great number of the men engaged in arresting Negroes wore police badges or badges indicating they were deputy sheriffs; 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 there were not compensated at the time of the incident; and

WHEREAS, the evidence establishes that the local units of the Oklahoma National Guard, in conjunction with police deputies, arrested Greenwood residents based on race, not on danger to the Greenwood residents themselves, which in effect was internment based on ancestry alone which the United States Supreme Court has declared unlawful; and

WHEREAS, the consensus emerging from historians is that the loss from the riot was much more because of the actions of Tulsa officials; 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 destruction of the Greenwood community, including the area known as "Black Wall Street of America" stymied any future economic development and progress in the area; 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 because of the loss sustained during the Tulsa Race Riot and the impact of the Tulsa Race Riot upon certain persons it is now proper to consider compensation for victims and survivors 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, the 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 48TH OKLAHOMA LEGISLATURE:

SECTION 1. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8203 of Title 74, unless there is created a duplication in numbering, reads as follows:

This act shall be known and may be cited as the "Omnibus 1921 Tulsa Race Riot Disaster Victim Relief Act".

SECTION 2. AMENDATORY Section 1, House Joint Resolution No. 1035, p. 2836, O.S.L. 1997, as last amended by Section 1, Chapter 36, O.S.L. 2000 (74 O.S. Supp. 2000, Section 8201), is amended to read as follows:

Section 8201. A. 1. There is hereby created The 1921 Tulsa Race Riot Commission, to continue until February 28, 2001; ~~at which time a final report of its findings and recommendations shall be completed and submitted in writing to the Governor, the Speaker of the House of Representatives, the President Pro Tempore of the Senate, and the Mayor and each member of the City Council of the City of Tulsa, Oklahoma 2006.~~

~~2. The Commission shall submit a monthly status report to the Speaker of the House of Representatives and the President Pro Tempore of the Senate beginning thirty (30) days after the effective date of this act and every month thereafter until submission of the final report as provided in paragraph 1 of this subsection.~~

~~3. The Commission may enter into agreements with other public or private entities regarding publication of the final report. All proceeds received pursuant to publication of the final report shall~~

be deposited in The 1921 Tulsa Race Riot Commission Revolving Fund created in Section 4 of this act.

B. The Commission shall consist of the eleven (11) members serving on the Commission as of February 1, 2000, who shall continue to be subject to the following qualifications, terms and duties:

1. From a list of five nominees submitted by the Speaker of the House of Representatives, the Governor shall appoint three members. If a member appointed pursuant to this paragraph resigns or is otherwise unable to serve, the Speaker of the House of Representatives shall submit a list of an additional three nominees for the vacant position from which the Governor shall select a successor;

2. From a list of five nominees submitted by the President Pro Tempore of the Senate, the Governor shall appoint three members. If a member appointed pursuant to this paragraph resigns or is otherwise unable to serve, the President Pro Tempore of the Senate shall submit a list of an additional three nominees for the vacant position from which the Governor shall select a successor;

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 1921 Tulsa Race Riot incident, and two of whom must be residents in the area of the ward or equivalent political subdivision of the City of Tulsa known

as "Greenwood", and historically identified as "Black Wall Street of America".

C. 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 November 1, 1997.

D. 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.

E. 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, Oklahoma, 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 such person, personal relations, real property or 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.

F. 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.

G. The final report of the Commission's findings and recommendations 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.

H. The Commission shall establish criteria for determining survivors of the 1921 Tulsa Race Riot. Any evidentiary criteria established for verifying survivors shall be supported by some type of written record. The Commission shall confirm each survivor and establish an official list of survivors which shall be used when determining eligibility for compensation.

I. The Commission shall monitor the implementation of the Greenwood Area Capital Asset Restoration and Development Fund created in House Bill No. of the 1st Session of the 48th Oklahoma Legislature and the Greenwood Area Education and Scholarship Program created in House Bill No. of the 1st Session of the 48th Oklahoma Legislature.

SECTION 3. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8204 of Title 74, unless there is created a duplication in numbering, reads as follows:

A. As a result of the culpability of the City of Tulsa and the State of Oklahoma, through the actions or omission of the Oklahoma National Guard and law enforcement officials of the City of Tulsa, it is hereby declared that black persons who where residents of the Greenwood area during the 1921 Tulsa Race Riot Disaster were unlawfully and wrongfully deprived of life, freedom, real and

personal property, and income from property and labor, and are therefore entitled to compensation from the State of Oklahoma and the City of Tulsa.

B. Each survivor of the 1921 Tulsa Race Riot Disaster, as confirmed and listed by the Tulsa Race Riot Commission, pursuant to section 8201 of Title 74 of the Oklahoma Statutes, shall be compensated in the amount of Thirty Thousand Dollars (\$30,000.00).

C. In order to receive compensation as provided for in subsection B of this section, survivors shall be confirmed as eligible by the Tulsa Race Riot Commission no later than March 30, 2002.

SECTION 4. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8205 of Title 74, unless there is created a duplication in numbering, reads as follows:

Because, through the wrongful and unlawful actions and omissions of the State of Oklahoma and the City of Tulsa officials during the 1921 Tulsa Race Riot Disaster, much of the property and economic viability of the Greenwood area, including the area known as the "Black Wall Street of America" was destroyed, therefore it is declared that as compensation for that loss, Five Million Dollars (\$5,000,000.00) shall be invested in the Greenwood area to construct The 1921 Tulsa Race Riot Memorial of Reconciliation which will enhance the economic development potential of the area and promote tourism.

SECTION 5. NEW LAW A new section of law to be codified in the Oklahoma Statutes as Section 8206 of Title 74, unless there is created a duplication in numbering, reads as follows:

There is hereby created in the State Treasury a revolving fund to be designated the "1921 Tulsa Race Riot Victims Relief Revolving Fund". The fund shall be a continuing fund, not subject to fiscal year limitations, and shall consist of all monies received from the State of Oklahoma, the City of Tulsa, and any other public or

private sources. All monies accruing to the credit of said fund are hereby appropriated and may be budgeted and expended for the purpose of providing compensation for the 1921 Tulsa Race Riot Disaster. Expenditures from said fund shall be made upon warrants issued by the State Treasurer against claims filed as prescribed by law with the Director of State Finance for approval and payment.

SECTION 6. This act shall become effective November 1, 2001.

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