

Resolution

ENROLLED HOUSE
RESOLUTION NO. 1040

By: Goodwin

A Resolution relating to the Tulsa Race Massacre of 1921; making findings; and requesting consideration of remedies.

WHEREAS, three known living 1921 Tulsa Race Massacre survivors and rare treasures are Mrs. Viola Ford Fletcher, age 107, Mrs. Lessie Benningfield Randle, age 106, and veteran, Mr. Hughes Van Ellis, age 100, all embody intelligence, resilience and grace as they still seek justice having endured the worst single act of racial terrorism against black citizens in America, May 31-June 1, in Tulsa, Oklahoma, as white mobs burned, bombed, shot and murdered an estimated 300 black residents and destroyed approximately 1,256 houses and 200 businesses in 35 square blocks of the prosperous Greenwood community, known as Black Wall Street; and

WHEREAS, May 31-June 1, 2021, marks 100 years since the 1921 Tulsa Race Massacre, and the State of Oklahoma, the nation and the world commemorate a tragic event, which the best of humanity could not have committed and many must endeavor daily to prevent the reoccurrence of such horrific acts; and

WHEREAS, in 1997, former State Representative Don Ross and the late Senator Maxine Horner authored House Joint Resolution No. 1035 and created the 1921 Tulsa Race Riot Commission to provide findings and documentation of the event, which is now properly referred to as the Tulsa Race Massacre of 1921; and

WHEREAS, in 2000, a 200-page report was compiled in which the Tulsa Race Riot Commission recommended:

1. Direct payment of reparations to survivors of the Tulsa Race Riot;

2. Direct payment of reparations to descendants of the survivors of the Tulsa Race Riot;

3. A scholarship fund available to students affected by the Tulsa Race Riot;

4. Establishment of an economic development enterprise zone in the historic area of the Greenwood District; and

5. A memorial for the reburial of any human remains found in the search for unmarked graves of riot victims; and

WHEREAS, in the days of segregation, the determined faithful of Greenwood would rebuild a thriving, black community, and 100 years later, we see the historical context which portions of Enrolled House Joint Resolution No. 1035 of the 1st Session of the 46th Oklahoma Legislature provide for Oklahomans learning of the events today and those sections of that resolution appear below:

"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. Stradford 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 Massacre; 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 Massacre; 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 massacre 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, while it is fitting for right hearts and minds to commemorate these tragic events, may souls and descendants be remembered; and

WHEREAS, after 100 years, for historical context, retelling and significance, original clauses from Enrolled House Joint Resolution No. 1035 of the 1st Session of the 46th Oklahoma Legislature are contained in this resolution, while understanding, even in 1921, instead of "riot", the word "massacre" was also used then by survivors and better described the terrible events; the use of the word "riot" prevented insurance claim payouts.

NOW, THEREFORE, BE IT RESOLVED BY THE HOUSE OF REPRESENTATIVES OF THE 1ST SESSION OF THE 58TH OKLAHOMA LEGISLATURE:

THAT the Oklahoma Legislature continues to recognize the significance of the events occurring during the period from May 31 through June 1, 1921, which is properly referred to as the "Tulsa Race Massacre".

THAT consideration be given to the remedies available to the survivors of the Tulsa Race Massacre and to the descendants of the persons who were the victims of violent acts and the destruction of their property.

Adopted by the House of Representatives the 27th day of May,
2021.

Presiding Officer of the House of
Representatives

OFFICE OF THE SECRETARY OF STATE

Received by the Office of the Secretary of State this _____
day of _____, 20 _____, at _____ o'clock _____ M.
By: _____