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Subcommittee on the Constitution, Civil Rights, and Civil Liberties

For a Hearing on:

“Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre”

May 19, 2021

On behalf of Human Rights Watch, I thank Chairman Nadler and Ranking Member Jordan of the US House Committee on the Judiciary and Chairman Cohen and Ranking Member Johnson of the Subcommittee on the Constitution, Civil Rights and Civil Liberties, for the opportunity to submit this statement for a hearing to address the *Continuing Injustice: The Centennial of the Tulsa-Greenwood Race Massacre*. My name is Dreisen Heath and I am a researcher and advocate on racial justice issues, with an expertise in reparative justice, within the United States Program at Human Rights Watch. I am also the author of Human Rights Watch's May 2020 report entitled "The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument."

Human Rights Watch is a non-profit, independent organization that investigates allegations of human rights violations in more than 100 countries around the world, including in the United States, by interviewing victims and witnesses, gathering information from a variety of sources, and issuing detailed reports. Where human rights violations have been found, Human Rights Watch advocates for redress, accountability, and changes to laws, policies, and practices with authorities to better protect human rights, and mobilizes public pressure for change. Its US Program works on human rights issues within the United States, with a strong focus on racial justice.

Reparations Are Owed to Tulsa Massacre Victims, Descendants & Broader Black Community

The 1921 Tulsa race massacre, one of the worst incidents of racial violence in the US, occurred in a broader context of racist violence and oppression stemming from slavery, which continues to impact Black people in Tulsa today.¹ In just hours, between May 31 and June 1, 1921, decades of Black prosperity and millions of dollars in hard-earned Black wealth were wiped out by a violent white mob, some deputized by local Tulsa officials.²

In the Human Rights Watch report "The Case for Reparations in Tulsa, Oklahoma," I detailed the massacre, failure to prosecute anyone for the violence, and subsequent destruction that left hundreds Black people dead and more than 1,200 Black-owned houses burned to the ground in Tulsa's Greenwood neighborhood, then known as "Black Wall Street." The report described how the city thwarted attempts to rebuild and how subsequent discriminatory federal, state, and local policies, such as redlining, the use of eminent domain, and other measures to seize Black-owned property, and highway construction, prevented Greenwood and the broader North Tulsa community from advancing.

Human Rights Watch called on Tulsa and Oklahoma governments to provide immediate reparations, including direct payments, to the few surviving massacre victims, and recover and identify remains that may be in mass graves.³ We also called on them to develop a comprehensive reparations plan in close consultation with the local Black community for the harm caused by the massacre and its lasting impact, not only on the direct victims and their descendants, but also the Black community in Tulsa more broadly; that plan should include

¹ Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma*, (New York: Human Rights Watch, 2020), https://www.hrw.org/sites/default/files/media_2020/11/tulsa-reparations0520_web.pdf.

² *Ibid.*, p. 5.

³ Dreisen Heath, "Tulsa Searches for Mass Graves from 1921 Tulsa Race Massacre," Human Rights Watch dispatch, July 14, 2020, <https://www.hrw.org/news/2020/07/14/tulsa-searches-mass-graves-1921-race-massacre>.

compensation for the descendants of victims.⁴ We called on federal and state authorities to lift legal barriers to civil legal claims related to the massacre.

One hundred years after the massacre, its known survivors (Lessie Benningfield Randle, Viola Fletcher, and Hughes Van Ellis), descendants of massacre victims, and the broader Black community in Tulsa are still reeling from its compounded impacts. Despite increasing awareness of the massacre’s impacts and growing calls for reparations, city and state authorities have not done enough to adequately and fully repair past and ongoing harms that affect Tulsa’s Black community.

For more details on the Tulsa race massacre and the requirement for reparations, please find a copy of our report attached as Appendix A.

The Right to an Effective Remedy and Reparation Under International Human Rights Law

On September 1, 2020, after seeing decades of inaction on reparations, a legal team that is part of the organization Justice for Greenwood, filed a lawsuit against the city of Tulsa and others that includes as plaintiffs the three remaining known survivors of the Tulsa race massacre—Lessie Benningfield Randle, 106 years old, Viola Fletcher, 107 years old, and Hughes Van Ellis, 100 years old—as well as some descendants of victims of the massacre.⁵ The suit seeks compensation for the losses they endured as a result of the massacre as well as ongoing harm connected to it.

However, victims of gross violations of human rights, like the Tulsa race massacre, should not have to file a lawsuit to receive full and effective reparations that are proportional to the gravity of the violation and the harm suffered. According to the UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence: “Domestic reparation [programs] are the most effective tool for victims of gross human rights violations and serious violations of humanitarian law to receive reparation. Without them, victims would have to prove their status in a court of law, including by providing all the necessary evidence, pay the expensive costs of litigation, and wait several years before their claim is, if at all, successful.”⁶

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD). Both core international human rights treaties guarantee the right to an effective remedy for human rights violations, including acts of racial discrimination.⁷ This right requires that

⁴ Human Rights Watch, *The Case for Reparations in Tulsa, Oklahoma*, p. 61 – 66.

⁵ Amended Complaint, *Benningfield Randle, Lessie vs. City of Tulsa*, Tulsa County District Court, filed February 2, 2021, case no. CV-2020-1179, https://7f71937d-3875-4a5d-8642-bfb10d690e0f.filesusr.com/ugd/7b82e9_6f2ce917ef5b4ff7aaa1b0fcf282cc2a.pdf

⁶ United Nations General Assembly, Report of UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, prepared pursuant to UN Human Rights Council resolution 36/7, July 11, 2019, <https://undocs.org/en/A/HRC/42/45>, para. 32.

⁷ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March

governments ensure access to justice, truthful information about the violation, and reparation.⁸ Victims of gross violations of human rights, like the Tulsa race massacre, should receive full and effective reparations that are proportional to the gravity of the violation and the cumulative harm suffered.⁹

Reparation, as defined by international human rights standards, includes the following forms:

- *Restitution*: measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.¹⁰
- *Compensation*: monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.¹¹
- *Rehabilitation*: provision of “medical and psychological care as well as legal and social services.”¹²
- *Satisfaction*: includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, preservation of historical memory, and expressions of regret or formal apology for wrongdoing.¹³
- *Guarantees of non-repetition*: includes institutional and legal reform as well as reforms to government practices to end the abuse.¹⁴

Reparation Measures Require Direct and Ongoing Community Consultation

Reparations require a victim-centered approach. The UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence has said that “domestic reparation [programs] should include adequate consultation with and participation of victims in their design, implementation and monitoring processes.”¹⁵ Victims seeking comprehensive remedy, including descendants, should have an opportunity to shape reparations measures to ensure the reparation program’s “completeness” and the success of victims’ participation mechanisms

23, 1976, ratified by the United States September 8, 1992, art. 2; International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by the United States November 20, 1994, art. 6. UN Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation on States Parties to the Covenant (Eightieth session, 2004), U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15.

⁸ UN Human Rights Committee, General Comment No. 31, paras 15 et seq; Basic Principles, para. 11.

⁹ “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” UN General Assembly Resolution 60/147 of 16 December 2005, <https://www.ohchr.org/en/professionalinterest/pages/remedyandrepairation.aspx>, (hereinafter “Basic Principles”), para. 18.

¹⁰ Basic Principles, para. 19.

¹¹ Basic Principles, para. 20.

¹² Basic Principles, para. 21.

¹³ Basic Principles, para. 22.

¹⁴ Basic Principles, para. 23.

¹⁵ United Nations General Assembly, Report of UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, prepared pursuant to UN Human Rights Council resolution 36/7, July 11, 2019, <https://undocs.org/en/A/HRC/42/45>, para. 61.

should be “measured not merely in terms of token measures but also in terms of satisfactory outcomes.”¹⁶ Seeking victims’ participation thus requires “effective outreach, information, and access,”¹⁷ which may be aided by community organizations that have “closer links with and a deeper reach into victims’ communities than official institutions.”¹⁸

Tulsa and the Need for Federal Reparations

What happened in Tulsa is not an anomaly. The people killed in the 1921 Tulsa race massacre were only some of the thousands of people killed in racial terror lynchings that took place in the United States between the end of Reconstruction in 1877 and 1950. According to a report by the Equal Justice Initiative (EJI), an estimated 4,300 racial terror lynchings took place during that time,¹⁹ including those that occurred during the 1921 Tulsa race massacre.²⁰ In the year 1919 alone, more than two dozen different incidents of racially motivated violence took place, including in Chicago, Illinois; Washington, DC; Knoxville, Tennessee; and Elaine, Arkansas.²¹

Across the US, federal, state, and local policy decisions in the 20th and 21st centuries, such as redlining²² and urban renewal,²³ further contributed to structural racism in infrastructure and the creation of present day economic, education, employment, and health inequalities, as well as housing segregation. They also contributed to the expansion of discriminatory and abusive policing and criminal legal systems that preserve unequal power structures and that still exist today.

In Tulsa, anti-Black policies, many of them stemming from federal programs, ongoing structural racism, and the government’s inadequate response to the massacre, have contributed to deep racial disparities in multiple areas, from access to health and nutritious food to education in Tulsa

¹⁶ United Nations General Assembly, Report of UN Special Rapporteur on the promotion of truth, justice, reparation and guarantees of non-recurrence, Fabian Salvioli, prepared pursuant to UN Human Rights Council resolution 18/7, October 14, 2014, <https://undocs.org/en/A/69/518>, para. 74 – 80.

¹⁷ Ibid., para. 76.

¹⁸ Ibid., para. 74.

¹⁹ The Equal Justice Initiative, “Lynching in America: Confronting the Legacy of Racial Terror,” p. 4.

²⁰ Ibid., p. 46. When counting the number of Black people killed during the Tulsa Race Massacre and adding that to the total number of “racial terror lynchings,” during this period, the EJI report uses the number 36. But it notes in its report that “at least 36,” had died and that the number varies greatly among sources from 36 to 300. See “Lynching in America: Oklahoma,” Equal Justice Initiative, <https://lynchinginamerica.eji.org/explore/oklahoma>, and Ibid., p. 46, n. 188.

²¹ “A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921,” (hereinafter “Tulsa Race Riot Report”), February 28, 2001, <https://www.okhistory.org/research/forms/freport.pdf>, p. 43; see also Hannibal B. Johnson, *Black Wall Street: From Riot to Renaissance in Tulsa’s Historic Greenwood District* (Fort Worth: Eakin Press, 2007), p. 27-28; Zinn Ed Project, “Red Summer,” <https://www.zinnedproject.org/collection/red-summer/>.

²² Andre M. Perry and David Harshbarger, “America’s formerly redlined neighborhoods have changed, and so must solutions to rectify them,” *Brookings Institute*, October 14, 2019, <https://www.brookings.edu/research/americas-formerly-redlines-areas-changed-so-must-solutions/>.

²³ Katherine Schwab, “The Racist Roots Of ‘Urban Renewal’ And How It Made Cities Less Equal,” *Fast Company*, January 4, 2018, <https://www.fastcompany.com/90155955/the-racist-roots-of-urban-renewal-and-how-it-made-cities-less-equal>.

today.²⁴ Such disparities are also deeply rooted in the US history of slavery.

In Tulsa today, Black neighborhoods remain underdeveloped and under-resourced. Large percentages of Black people live in North Tulsa, usually defined as the region above the 244 Freeway and Admiral Boulevard, which is significantly poorer than other parts of the city and includes the historic Greenwood district.

According to a 2019 Human Rights Watch analysis,²⁵ more than 35 percent of North Tulsa's population lives in poverty compared with 17 percent in the rest of the city, though in some census tracts in North Tulsa it is even higher, with 63.7 percent of residents living in poverty. Citywide, the Black poverty rate is 34 percent while the white poverty rate is 13 percent.

In addition to experiencing significant poverty, Black Tulsans, especially in North Tulsa, experience high unemployment, meager economic development, and segregated schools. Overaggressive policing further fuels the poverty.

Black people are subjected to more aggressive policing than white people in Tulsa. The rate with which police use physical force against Black people in Tulsa is 2.7 times greater than the rate used against white people on a per capita basis.²⁶ While making up about 17 percent of Tulsa's population, Black people are subject to almost 40 percent of police violence.²⁷

Human Rights Watch has long been supportive of the development of broader reparations plans to account for the brutality of slavery and historic racist laws that set different rules for Black and white people.²⁸ Accordingly, Human Rights Watch supports US House Resolution 40 (H.R. 40), a federal bill to establish a commission to examine the impacts of the transatlantic slave trade and subsequent racial and economic discriminatory institutions, laws, and practices.²⁹ The US government has never adequately accounted for these wrongs or the subsequent 20th and 21st century policy decisions that have perpetuated structural racism to this day, but it has an opportunity to begin to do so through the establishment of an H.R. 40 reparations commission. H.R. 40 has been circulating in Congress for over 30 years but recently gained renewed momentum given a growing public understanding about the harms of slavery and its continuing

²⁴ Ibid., p. 20-36.

²⁵ Brian Root, "Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma," date interactive, September 11, 2019, <https://www.hrw.org/video-photos/interactive/2019/09/11/policing-poverty-and-racial-inequality-tulsa-oklahoma>; *"Get on the Ground!": Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma: A Case Study of US Law Enforcement*, (New York: Human Rights Watch, 2019), https://www.hrw.org/sites/default/files/report_pdf/us0919_tulsa_web.pdf.

²⁶ "Get on the Ground!," p. 129.

²⁷ Ibid.

²⁸ Dreisen Heath, "US Congress Can Help Heal the Wounds of Slavery," Human Rights Watch dispatch, June 19, 2019 <https://www.hrw.org/news/2019/06/19/us-congress-can-help-heal-wounds-slavery>; United Nations, "Report of the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance," <https://www.un.org/WCAR/durban.pdf>

²⁹ Human Rights Watch Written Testimony of Dreisen Heath Submitted to the US House Committee on the Judiciary Subcommittee on the Constitution, Civil Rights, and Civil Liberties, "H.R. 40: Exploring the Path to Reparative Justice in America," February 17, 2021, <https://www.hrw.org/news/2021/02/17/hr-40-exploring-path-reparative-justice-america>

impact today. The bill has garnered 185 co-sponsors in the House this Congress;³⁰ a companion bill in the Senate, S. 40, has 21 co-sponsors.³¹

US policymakers' failure to account for the historic racial and gendered injustices of slavery and its legacy has compounded the harm and fueled the persistence of racial inequality today, as evident in Tulsa and many other cities across the US. Enduring racist structures remain in place³² and accumulated racial discrimination has gone unaddressed.³³ Despite a shift in racial attitudes, civil rights-era legislation from the 1960s did not adequately address the core of systemic racism and resulting racial equity gaps.³⁴ A holistic inquiry into these injustices and the ways subsequent policy has created and reinforced structures and systems that have prevented Black people from advancing is urgently needed, as is a plan to provide reparation and healing for these harms. If Congress were to pass H.R. 40 it would be the first meaningful step toward this reparation, which is essential if we are to seriously address white supremacy, systemic racism, and racial inequality in the United States.

Thank you for the opportunity to testify before you today.

³⁰ Commission to Study and Develop Reparation Proposals for African-Americans Act, H.R. 40, 117th Cong. (2020), <https://www.congress.gov/bill/117th-congress/house-bill/40/cosponsors?searchResultViewType=expanded>

³¹ Commission to Study and Develop Reparation Proposals for African-Americans Act, S. 40, 117th Cong. (2020), <https://www.congress.gov/bill/117th-congress/senate-bill/40/cosponsors?searchResultViewType=expanded>

³² Frank W. Munger and Carol Seron, "Race, Law, and Inequality, 50 Years After the Civil Rights Era," *Annual Review of Law and Social Science*, vol. 13 (2017): 331 – 350, <https://www.annualreviews.org/doi/full/10.1146/annurev-lawsocsci-110316-113452>.

³³ Fred Drewe, "Why Does Racial Inequality Persist Long after Jim Crow?," *Brookings Institute*, October 9, 2014, <https://www.brookings.edu/blog/brookings-now/2014/10/09/why-does-racial-inequality-persist-long-after-jim-crow/>.

³⁴ Candis Watts Smith, "After the civil rights era, white Americans failed to support systemic change to end racism. Will they now?," *The Conversation*, August 13, 2020, <https://theconversation.com/after-the-civil-rights-era-white-americans-failed-to-support-systemic-change-to-end-racism-will-they-now-141954>; Ibram Kendi, "The Civil Rights Act was a victory against racism. But racists also won.," *Washington Post*, July 2, 2017, <https://www.washingtonpost.com/news/made-by-history/wp/2017/07/02/the-civil-rights-act-was-a-victory-against-racism-but-racists-also-won/>.



THE CASE FOR REPARATIONS IN TULSA, OKLAHOMA

A Human Rights Argument

May 2020



The Case for Reparations in Tulsa, Oklahoma

A Human Rights Argument

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Summary

In the span of about 24 hours between May 31 and June 1, 1921, a white mob descended on Greenwood, a successful black economic hub in Tulsa, Oklahoma then-known as “Black Wall Street,” and burned it to the ground. Some members of the mob had been deputized and armed by city officials.

In what is now known as the “Tulsa Race Massacre,” the mob destroyed 35 square blocks of Greenwood, burning down more than 1,200 black-owned houses, scores of businesses, a school, a hospital, a public library, and a dozen black churches. The American Red Cross, carrying out relief efforts at the time, said the death toll was around 300, but the exact number remains unknown. A search for mass graves, only undertaken in recent years, has been put on hold due to the Covid-19 pandemic. Those who survived lost their homes, businesses, and livelihoods. Property damage claims from the massacre alone amount to tens of millions in today’s dollars. The massacre’s devastating toll, in terms of lives lost and harms in various ways, can never be fully repaired.

Following the massacre, government and city officials, as well as prominent business leaders, not only failed to invest and rebuild the once thriving Greenwood community, but actively blocked efforts to do so.

No one has ever been held responsible for these crimes, the impacts of which black Tulsans still feel today. Efforts to secure justice in the courts have failed due to the statute of limitations. Ongoing racial segregation, discriminatory policies, and structural racism have left black Tulsans, particularly those living in North Tulsa, with a lower quality of life and fewer opportunities.

On the 99th anniversary of the massacre, a movement is growing to urge state and local officials to do what should have been done a long time ago—act to repair the harm,

including by providing reparations to the survivors and their descendants, and those feeling the impacts today.

Under international human rights law, governments have an obligation to provide effective remedies for violations of human rights. The fact that a government abdicated its responsibility nearly 100 years ago and continued to do so in subsequent years does not absolve it of that responsibility today—especially when failure to address the harm and related action and inaction results in further harm, as it has in Tulsa. Like so many other places across the United States marred by similar incidents of racial violence, these harms stem from the legacy of slavery.

There are practical limits to how long, or through how many generations, such claims should survive. However, Human Rights Watch supports the conclusion of the Oklahoma Commission to Study the Tulsa Race Riot of 1921 (recently renamed the Tulsa Race Massacre Commission)—a commission created by the Oklahoma state legislature in 1997 to study the massacre and make recommendations—that reparations should be made.

The Tulsa Race Massacre occurred in a broader context of racist violence and oppression stemming from slavery, which continues to impact black people in the United States today. Human Rights Watch has long been supportive of the development of broader reparations plans to account for the brutality of slavery and historic racist laws that set different rules for black and white people. Accordingly, Human Rights Watch supports US House Resolution 40 (H.R. 40), a federal bill to establish a commission to examine the impacts of the transatlantic slave trade and subsequent racial and economic discriminatory laws and practices. H.R. 40 has been circulating in Congress for 30 years but recently gained renewed momentum given a growing public understanding about the harms of slavery and its continuing impact today. The bill garnered nearly 100 new co-sponsors in the House just last year; a companion bill in the Senate, S. 1083, has 16 co-sponsors.

After decades of silence, an enormous amount has been written in recent years about the Tulsa massacre and its aftermath, including many books,¹ and a comprehensive 200-page

¹ Hannibal B. Johnson, *Black Wall Street: From Riot to Renaissance in Tulsa's Historic Greenwood District* (Fort Worth: Eakin Press, 2007); Alfred L. Brophy, *Reconstructing the Dreamland: The Tulsa Race Riot of 1921, Race, Reparations, and Reconciliation* (New York: Oxford University Press, 2002); Scott Ellsworth, *Death in a Promised Land: The Tulsa Race Riot of*

report, known as the “Tulsa Race Riot Report,” issued by the “Tulsa Race Riot Commission” in 2001.² Yet the state and local governments involved have failed to take action.

In the run-up to the massacre’s centennial, the Tulsa and Oklahoma governments should finally take meaningful steps to repair these ongoing, devastating wrongs.

1921 (Baton Rouge: Louisiana State University Press, 1982); Tim Madigan, *The Burning: Massacre, Destruction, and the Tulsa Race Riot of 1921* (New York: Thomas Dunne Books, 2001); James Hirsch, *Riot and Remembrance: America’s Worst Race Riot and its Legacy*, (Boston: Houghton Mifflin Company, 2002).

² “A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921,” (hereinafter “Tulsa Race Riot Report”), February 28, 2001, <https://www.okhistory.org/research/forms/freport.pdf> (accessed May 11, 2020).

Methodology

This report is largely based on research, as well as an analysis and review, of materials conducted from March through May 2020. These include the 2001 “Tulsa Race Riot Report,” numerous books on the massacre and its aftermath, news articles, law review articles, academic research papers, court records, and city planning documents. It also contains a lightly edited reprinting of several sections of an extensive 216-page Human Rights Watch report “Get on the Ground”: Policing, Poverty and Racial Inequality in Tulsa, Oklahoma,³ released in September 2019, which documents in detail systemic racial disparities in in Tulsa today.

In addition, we also conducted six interviews with members of the Tulsa community, including descendants of victims of the massacre or individuals involved in racial justice efforts in Tulsa. These interviews built upon the substantial body of research, including 132 interviews, we had conducted for Get on the Ground. We conducted most of the new interviews by phone or by video due to restrictions on travel related to the Covid-19 pandemic. All interviewees gave their full informed consent to the interviews and were provided no incentives to participate.

All documents cited in this report are publicly available or are on file with Human Rights Watch.

³ “Get on the Ground!”: *Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma: A Case Study of US Law Enforcement*, September 12, 2019, https://www.hrw.org/sites/default/files/report_pdf/us0919_tulsa_web.pdf.

The Greenwood Massacre and its Legacy⁴

The Massacre

On May 31, 1921, police in Tulsa arrested Dick Rowland, a young black man who lived in the Greenwood section of town, for an alleged assault on a white woman.⁵ Though the evidence against him was not strong,⁶ the *Tulsa Tribune* printed an editorial that afternoon calling for a lynching.⁷ A mob of white men converged on the county lock-up.⁸

At the time, lynching of black people was common throughout the US—61 were reported in 1919; 61 in 1920; and 57 in 1921.⁹ Violent white mobs terrorized and attacked black people, killing them and destroying their property, in cities throughout the US.

When news of the lynch-mob reached Greenwood, community members, including many World War I veterans, armed themselves and went to the courthouse to protect Rowland, but the sheriff told them to leave.¹⁰ After the black men left, the crowd outside the courthouse grew to over two thousand, many of them armed.¹¹ Tulsa police made no effort to de-escalate the situation or disperse the crowd.¹²

Later that night, the men from Greenwood returned, offering to help the sheriff protect Rowland.¹³ A fight broke out when a white man tried to disarm one of the black veterans trying to protect Rowland¹⁴ and some shooting began, lasting through the night.¹⁵

⁴ This section is drawn from the Human Rights Watch report: *“Get on the Ground!”: Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma: A Case Study of US Law Enforcement* (New York: Human Rights Watch, 2019), https://www.hrw.org/sites/default/files/report_pdf/us0919_tulsa_web.pdf, p. 27-30.

⁵ Madigan, *The Burning*, p. 52-54.

⁶ Johnson, *Black Wall Street*, p. 37.

⁷ Madigan, *The Burning*, p. 69-71; Johnson, *Black Wall Street*, p. 199.

⁸ Madigan, *The Burning*, p. 76.

⁹ Johnson, *Black Wall Street*, p. 27-28. The numbers reported are likely vast underestimates of the number of black people in the US killed through racially motivated violence in those years, as there was no official mechanism to accurately record all the incidents.

¹⁰ Madigan, *The Burning*, p. 89-98.

¹¹ Madigan, *The Burning*, p. 98-99.

¹² Johnson, *Black Wall Street*, p. 40.

¹³ Johnson, *Black Wall Street*, p. 39-40.

¹⁴ “Tulsa Race Riot Report,” p. 63.

¹⁵ Madigan, *The Burning*, p. 101-103, 120-121; Mary E. Jones Parrish, *Events of the Tulsa Disaster* (Tulsa: John Hope Franklin Center for Reconciliation, 2016), p. 37.

Early the next morning, a large mob of white men and boys invaded Greenwood, outnumbering its defenders by 20 to 1 or more.¹⁶ Witnesses said that people in airplanes flew over Greenwood dropping firebombs and shooting at people.¹⁷

The attack lasted throughout the day. The mob drove through Greenwood, shooting and killing black people, looting and burning their homes and businesses.¹⁸ Many black residents fought back, but they were greatly outnumbered and outgunned. Many fled, while thousands were taken prisoner.¹⁹ At best, Tulsa Police took no action to prevent the massacre. Reports indicate that some police actively participated in the violence and looting.²⁰

The mob destroyed 35 square blocks of Greenwood, burning down over 1,200 homes, over 60 businesses, a school, a hospital, a public library, and a dozen churches.²¹ Hundreds of homes that were not burned down were looted as well.²² Some estimates put the death toll at 300,²³ while others believe it was much higher.²⁴

The Tulsa City Commission issued a report two weeks after the massacre saying: “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 persons who seek to put half the blame on the white people are wrong ...”²⁵

The Massacre’s Aftermath

In the early morning hours of June 1, 1921, Oklahoma Governor James A. Robertson called in National Guard troops and declared martial law.²⁶ The National Guard, as well as local

¹⁶ Tulsa Race Riot Report, p. 63.

¹⁷ Johnson, *Black Wall Street*, p. 45-46; Jones Parrish, *Events of the Tulsa Disaster*, p. 48; Madigan, *The Burning*, p. 131.

¹⁸ Jones Parrish, *Events of the Tulsa Disaster*, p. 48.

¹⁹ Madigan, *The Burning*, p. 203.

²⁰ Madigan, *The Burning*, p. 145; Jones Parrish, *Events of the Tulsa Disaster*, p. 62; “Tulsa Race Riot Report,” p. 74

²¹ Madigan, *The Burning*, p. 221; “Tulsa Race Riot Report,” p. 145.

²² Madigan, *The Burning*, p. 221.

²³ Johnson, *Black Wall Street*, p. 54.

²⁴ Human Rights Watch interview with Stephen Williams, Tulsa, Oklahoma, March 27, 2019.

²⁵ Tulsa City Commission Meeting Minutes, June 14, 1921, excerpted in Johnson, *Black Wall Street*, p. 239.

²⁶ “Tulsa Race Riot Report,” p. 71; Hirsch, *Riot and Remembrance*, p. 142.

law enforcement and other white citizens deputized by them,²⁷ began disarming and arresting all black people and moving them to internment camps located at the Convention Hall, the McNulty Baseball Park, or the fairgrounds.²⁸ This internment facilitated destruction and death, leaving black residents, outnumbered by more than 20 to 1,²⁹ without the ability to defend their lives, home, and property.³⁰

During the attack, white men dragged dozens of black people in their nightclothes from their beds on the white side of town, in homes where they lived as domestic workers, screaming at and severely beating them before hauling them off to internment at various locations downtown.³¹ Others liberally spread kerosene or gasoline inside Greenwood homes and businesses and then lit them on fire.³² Once in the camps, black Tulsans were not able to leave without permission of white employers.³³ When they did leave, they were required to wear green identification tags.³⁴ By June 7, 7,500 tags had been issued.³⁵ The American Red Cross, which ran the internment camps, reported that thousands of black Tulsans, then homeless, were forced to spend months, or in some cases over a year and through the winter, in the camps, in tents.³⁶ Many suffered disease and malnutrition in the camps.³⁷ During a six-month period after the violence began, the Red Cross reported “eight definite cases of premature childbirth that resulted in the death of babies” and that “of the maternity cases given attention by Red Cross doctors, practically all have presented complications due to the riot.”³⁸

²⁷ “Tulsa Race Riot Report,” p. 11-12.

²⁸ “Tulsa Race Riot Report,” p. 59-60 (“The guardsmen arrested every black resident of Tulsa they could find and then took them into ‘protective custody.’”); see also pp. 83, 161, 165.

²⁹ “Tulsa Race Riot Report,” p. 63 and “Tulsa Race Riot Map 3,” p. 193 of the PDF.

³⁰ “Tulsa Race Riot Report,” “Tulsa Race Riot Map 7,” p. 197 of the PDF. (“Black attempts to defend their homes and businesses were undercut by the actions of both the Tulsa police and the local National Guard units, who, rather than disarming and arresting the white rioters, instead began imprisoning black citizens.”)

³¹ Madigan, *The Burning*, p. 119-120.

³² Madigan, *The Burning*, p. 119-120.

³³ Ellsworth, *Death in the Promised Land*, p. 72.

³⁴ *Ibid.*

³⁵ Hirsch, *Riot and Remembrance*, p. 142.

³⁶ “Tulsa Race Riot Report,” p. 88; see also Hirsch, *Riot and Remembrance*, p. 118.

³⁷ Hirsch, *Riot and Remembrance*, p. 118. (“Some refugees lived in tents for well over a year, combating floods, heat, and cold. Pneumonia, typhoid fever, malnutrition, smallpox took their toll.”)

³⁸ “Red Cross Disaster Relief Report,” Dec. 31, 1921, https://www.tulsaahistory.org/wp-content/uploads/2018/11/1994.012.001_RedCrossReport.pdf (accessed May 15, 2020), p. 3 of Section titled “Narrative Report as of December 31, 1921,” p. 25 of the PDF; see also Hirsch, *Riot and Remembrance*, p. 118.

The Tulsa Race Massacre Commission confirmed in its report that Tulsa officials, and the hundreds of whites they deputized, participated in the violence—at times providing firearms and ammunition to people, all of them white—who looted, killed, and destroyed property.³⁹ It also found that no one was ever prosecuted or punished for the violent criminal acts.⁴⁰

When Governor Robertson visited Tulsa on June 2, he ordered that a grand jury be empaneled and put the attorney general S.P. Feeling in charge.⁴¹ All of the 12 men selected for the panel on June 9, 1921 were white.⁴² After several days of testimony the jury indicted more than 85 people⁴³—the majority black—⁴⁴ mostly for rioting, carrying weapons, looting and arson.⁴⁵ Most of the indictments were ultimately dismissed or not pursued, including the indictment against Rowland, as the complaining witness never came forward.⁴⁶

One of the only indictments that was pursued was that against John Gustafson, the white Tulsa police chief who was accused of neglect of duty, and charges unrelated to the massacre—freeing automobile thieves for which he collected rewards.⁴⁷ After a two-week trial that garnered significant press attention, he was convicted, sentenced to a fine, and fired.⁴⁸ According to James Hirsch, who wrote a book about the massacre and its aftermath, Gustafson’s conviction had the effect of granting “blanket immunity” to all the white people who murdered and looted.⁴⁹ In charging Gustafson, the prosecutor made clear that she did not believe any of the white people who armed themselves had violated the law. Rather, she said:

³⁹ “Tulsa Race Riot Report,” p. 11-12, 159, 165 and “Chronological Maps of the Tulsa Race Riot” beginning on p. 180 of the report, see maps 3,4,6,7 and 9.

⁴⁰ “Tulsa Race Riot Report,” p. 13. Gustafson remained in Tulsa and became a private investigator. See also Hirsch, *Riot and Remembrance*, p. 128-129; Madigan, *The Burning*, p. 228.

⁴¹ Ellsworth, *Death in a Promised Land*, p. 94.

⁴² Madigan, *The Burning*, p. 228.

⁴³ Madigan, *The Burning*, p. 228. Ellsworth, *Death in a Promised Land*, p. 95.

⁴⁴ Madigan, *The Burning*, p. 229.

⁴⁵ Madigan, *The Burning*, p. 229; Hirsch, *Riot and Remembrance*, p. 128.

⁴⁶ Hirsch, *Riot and Remembrance*, p. 128; Madigan, *The Burning*, p. 228-229; “Tulsa Race Riot Report,” p. 167.

⁴⁷ Ellsworth, *Death in a Promised Land*, p. 97.

⁴⁸ Hirsch, *Riot and Remembrance*, p. 128-129; Madigan, *The Burning*, p. 228; Johnson, *Black Wall Street*, p. 67.

⁴⁹ Hirsch, *Riot and Remembrance*, p. 129.

After those armed Negroes had started shooting and killed a white man— then those who armed themselves for the obvious purpose of protecting their property and lives violated no law. The [police] chief neglected to do his duty and the citizens after seeing their police fail, took matters into their own hands.⁵⁰

The final 1921 grand jury report blamed Black people for the massacre: “There was no mob spirit among the whites, no talk of lynching and no arms. The assembly was quiet until the arrival of the armed Negroes, which precipitated and was the direct cause of the entire affair.”⁵¹ The grand jury report also named another cause: “agitation among the Negroes of [sic] social equality.”⁵²

The exact number of people killed has been hard to establish, in part because after the attack began, the Oklahoma National Guard commanding general, Charles Barrett, issued an order denying funerals for the deceased on the ground that he claimed churches were already overwhelmed with helping the displaced.⁵³ To this day no one knows what happened to most of the bodies, though there is reason to believe at least some were buried in mass graves. An investigation into this possibility, after being dormant for years, was recently reopened (see below).⁵⁴

Initially, some Tulsa officials acknowledged the wrongdoing and promised restitution and repair. “Tulsa can only redeem herself from the country-wide shame and humiliation ... by complete restitution of the destroyed black belt...Tulsa weeps at this unspeakable crime and will make good the damage ... down to the last penny, ” said Judge Loyal J. Martin, chairman of the Executive Welfare Committee, a body formed on June 2, 1921 through the Tulsa Chamber of Commerce in response to the violence and for the purpose of

⁵⁰ Hirsch, *Riot and Remembrance*, p. 129.

⁵¹ Madigan, *The Burning*, p. 231; “Tulsa Race Riot Report,” p. 167.

⁵² “Tulsa Race Riot Report,” p. 167.

⁵³ I. Marc Carlson, “The Tulsa Race Massacre, Martial Law Orders,” Field Order No. 3, June 14, 2017, <https://tulsaraceriot.wordpress.com/2017/06/14/martial-law-orders/> (accessed May 15, 2020); see also Hirsch, *Riot and Remembrance*, p. 119.

⁵⁴ DeNeen L. Brown, “Tulsa plans to dig for suspected mass graves from a 1921 race massacre,” *Washington Post*, February 4, 2020, <https://www.washingtonpost.com/history/2020/02/03/tulsa-mass-graves-excavation/> (accessed May 15, 2020).

rehabilitating the city.⁵⁵ Alva J. Niles, president of the Chamber of Commerce, made similar apologies and promised that “rehabilitation will take place and reparation made,” adding that Tulsa feels “intensely humiliated,” and pledged to “punish those guilty of bringing the disgrace and disaster to this city.”⁵⁶

These promises were never realized. Some city and county resources went to fund immediate American Red Cross relief efforts to provide temporary shelter, food, and medical assistance to some of the thousands displaced.⁵⁷ However, government officials committed no public money to help Greenwood rebuild—in fact, they worked to impede it, and even rejected offers of medical and reconstruction assistance from within and outside Tulsa.⁵⁸ In the end, the restoration of Greenwood after its systematic destruction was left entirely to the victims of that destruction.⁵⁹

Obstacles to Rebuilding

An estimated 11,000 black people lived in Tulsa before the massacre, most in the Greenwood area (see below for maps of the Greenwood District’s historic boundaries in Appendix A).⁶⁰

When black Tulsans tried to rebuild, they faced enormous obstacles, including hostility from powerful sectors of the city: an illustrative June 4 *Tulsa Tribune* editorial titled “It Must Not Be Again” stated: “the old ‘Niggertown’ must never be allowed in Tulsa again.”⁶¹

⁵⁵ Ellsworth, *Death in the Promised Land*, p. 83, “Tulsa Race Riot Report,” p. 159 (boxed caption); Hirsch, *Riot and Remembrance*, p. 134-35. See also “Tulsa World editorial: Tulsa Regional Chamber makes public act of atonement concerning what happened after the 1921 race massacre,” *Tulsa World*, March 29, 2019, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-tulsa-regional-chamber-makes-public-act-of-atonement-concerning-what-happened-after/article_c641afc4-bf10-5be4-94ba-8bd1bbc4b51a.html (accessed May 27, 2020): It describes the Executive Welfare Committee as being part of the Chamber of Commerce.

⁵⁶ Ellsworth, *Death in the Promised Land*, p. 83; “Tulsa Race Riot Report,” p. 159 (boxed caption); Hirsch, *Riot and Remembrance*, p. 135-36.

⁵⁷ “Tulsa Race Riot Report,” p. 13-14.

⁵⁸ Ellsworth, *Death in a Promised Land*, p. 84 (“Numerous telegrams were received by the executive committee from various cities in the Union offering aid, but the policy was quickly adopted that this was strictly a Tulsa affair and that the work of the restoration and charity would be taken care of by the Tulsa people.”); see also Hirsch, *Riot and Remembrance*, p. 130 (Governor Robertson refused an offer to send 50 Black Cross nurses from the Chicago chapter of the Universal Negro Improvement Association).

⁵⁹ “Tulsa Race Riot Report,” p. 11-14.

⁶⁰ “Tulsa Race Riot Report,” p. 124. For maps of the Tulsa Race Massacre and historic Greenwood District’s boundaries in 1921, see Appendix A (at the conclusion of the report) and p. 95 – 98 of the “Tulsa Race Riot of 1921 National Registration Form:” <http://cdm15020.contentdm.oclc.org/cdm/ref/collection/p15020coll6/id/95>.

⁶¹ Hirsch, *Riot and Remembrance*, p. 124-125.

Many of the white men who participated in the attack occupied prominent positions at City Hall, the community's courthouses, press rooms, churches, and office buildings.⁶²

The "Tulsa Race Riot Commission" retrieved court filings for 193 lawsuits filed against the city and insurance companies for property and other losses totaling about \$1,470,711 in 1921.⁶³ This likely underestimates material losses, as not everyone in Greenwood had insurance and of those who did, not all took insurance companies or the city to court.⁶⁴ All the claims pursued were dismissed,⁶⁵ despite Gustafson's conviction, which did not translate into any benefit or restitution for the victims.⁶⁶

Insurance companies denied claims based on "riot exclusion" clauses in the contract.⁶⁷ Claimants argued in vain that the violence was not caused by a riot but by law enforcement action, inaction, and negligence.⁶⁸

Many also filed claims worth \$1.8 million at what the "Tulsa Race Riot" report said was called the "City Commission."⁶⁹ All were denied, except for one filed by a white pawnshop owner for \$3,994.57 for ammunition taken from his shop during the violence.⁷⁰ The "Tulsa Race Riot Commission" used the \$1.8 million figure instead of the \$1,470,711 to estimate property losses, noting that this figure would be worth nearly \$17 million in 1999 dollars. Using the commission's same method of calculation—that figure would be worth more than \$25 million today.⁷¹ Others have put the value of property loss claims alone at between \$50 to \$100 million in today's dollars.⁷²

⁶² Hirsch, *Riot and Remembrance*, p. 141; Johnson, *Black Wall Street*, p. 98.

⁶³ "Tulsa Race Riot Report," p. 145.

⁶⁴ "Tulsa Race Riot Report," p. 145.

⁶⁵ "Tulsa Race Riot Report," p. 145.

⁶⁶ Hirsch, *Riot and Remembrance*, p. 141.

⁶⁷ "Tulsa Race Riot Report," p. viii and 154; see also Hirsch, *Riot and Remembrance*, p. 141.

⁶⁸ "Tulsa Race Riot Report," p. 154; see also Hirsch, *Riot and Remembrance*, p. 141; Johnson, *Black Wall Street*, p. 98.

⁶⁹ "Tulsa Race Riot Report," p. 145.

⁷⁰ "Tulsa Race Riot Report," p. 145 and n. 4 on p. 150.

⁷¹ "Tulsa Race Riot Report," p. 149, n. 16. The Commission used a Consumer Price Index (CPI) for inflation calculator no longer available at the website listed. Human Rights Watch used what looks to be the same CPI tool, but updated version, available at the US Bureau of Labor Statistics: <https://www.in2013dollars.com/us/inflation/1999?amount=16752600> (accessed May 15, 2020).

⁷² Natalie Chang, "The Massacre of Black Wall Street," *The Atlantic*, 2019, <https://www.theatlantic.com/sponsored/hbo-2019/the-massacre-of-black-wall-street/3217/> (accessed March 25, 2020).

On June 7, 1921, the Executive Welfare Committee⁷³ announced its intention to direct a body called the “Real Estate Exchange” to develop a plan to value the properties burned down in the Greenwood area and purchase them from black owners with an eye towards relocating black residents and turning the area into an industrial and wholesale district.⁷⁴ The Real Estate Exchange’s leadership ranks included W. Tate Brady, a known member of the Ku Klux Klan,⁷⁵ and the plan—though never realized—had the support of some white civic organizations, businessmen, and “political elements.”⁷⁶

On the same day, the City Commission passed a Fire Ordinance that required any new structures in Greenwood to be at least two stories high and be made of concrete, brick, or steel.⁷⁷ The ordinance effectively prevented many black Tulsans from rebuilding because such materials were prohibitively expensive.⁷⁸ Most of the Greenwood houses that burned down were wood-framed.⁷⁹ Tulsa Mayor T.D. Evans supported the ordinance, suggesting a railroad and railroad station be built in the area: “Let the negro be placed farther to the north and east,” he said, urging the commissioners to get in touch with the railroads as soon as possible.⁸⁰ Merritt J. Glass, the Real Estate Exchange president, argued that building a railroad station in Greenwood “will draw more distinctive lines between them and thereby eliminate the intermingling of the lower elements of the two races ... the root of all evil which should not exist.”⁸¹

From a makeshift tent office on Archer Street,⁸² B.C. Franklin, who escaped his burning law office during the massacre, and a group of his associates brought a case challenging the zoning ordinance. The case, *Joe Lockard v. the City of Tulsa*, demanded that Joe Lockard, owner of a wood framed house “on Lot seventeen (17) in Block two ... in the City of Tulsa”

⁷³ Ellsworth, *Death in a Promised Land*, p. 74.

⁷⁴ Ellsworth, *Death in a Promised Land*, p. 84.

⁷⁵ Meagan Day, “The history of the Tulsa race massacre that destroyed America’s wealthiest black neighborhood,” *Timeline*, Sep 21, 2016, <https://timeline.com/history-tulsa-race-massacre-a92bb2356a69> (accessed May 1, 2020).

⁷⁶ Ellsworth, *Death in a Promised Land*, p. 84.

⁷⁷ Ellsworth, *Death in a Promised Land*, p. 85.

⁷⁸ Ellsworth, *Death in a Promised Land*, p. 85; see also “Tulsa Race Riot Report,” p. 168.

⁷⁹ Hirsch, *Riot and Remembrance*, p. 137-38.

⁸⁰ Ellsworth, *Death in a Promised Land*, p. 85.

⁸¹ Hirsch, *Riot and Remembrance*, p. 136; see also “Tulsa Race Riot Report,” p. 168 n. 87.

⁸² Hirsch, *Riot and Remembrance*, p. 138.

that had been burned down during the massacre,⁸³ be able to build on his property and that the ordinance be enjoined.⁸⁴ Ultimately, they won. In September 1921, the Oklahoma Supreme Court found the ordinance unconstitutional because it would deprive Greenwood property owners of their property rights if they were not able to rebuild.⁸⁵

Black Tulsans did manage to rebuild for a time, despite the hostility of powerful sectors of the city and state. They also did so at their own expense, with no assistance or restitution for the lives or property lost and at the cost of other opportunities they had to forgo, such as investments in education, health, or other business ventures.

Greenwood Rebuilds, Subsequent Decline

Starting in the early 1930s and 40s, Greenwood began to thrive again as a prosperous economic center. The “Tulsa Race Riot Commission” report describes this renaissance:

The tragedy and triumph of North Tulsa transcends numbers and amounts and who owned what portion of what lot. The African American community not only thrived in an era of harsh “Jim Crow” and oppression, but when the bigotry of the majority destroyed their healthy community, the residents worked together and rebuilt. Not only did they rebuild, they again successfully ran their businesses, schooled their children, and worshiped at their magnificent churches in the shadow of a growing Ku Klux Klan in Oklahoma and continuing legal racial separatism for more than forty years. In fact, one of the largest Ku Klux Klan buildings, not only in the state, but the country [sic] stood within a short walking distance of their community.⁸⁶

A local business directory, compiled by the Greenwood Chamber of Commerce sometime after the beginning of World War II, describes the area as “unquestionably the greatest

⁸³ *Lockard v. T.D. Evans, Mayor*, “Petition in the District Court within and for Tulsa County,” August 23, 1921, <https://www.tulsaohistory.org/wp-content/uploads/2018/11/Lockard-Joe-15730-Reduced-size.pdf> (accessed May 25, 2020).

⁸⁴ Johnson, *Black Wall Street*, p. 68, 95; Ellsworth, *Death in the Promised Land*, p. 86-87; “Tulsa Race Riot Report,” p. 168.

⁸⁵ “Tulsa Race Riot Report,” p. 168.

⁸⁶ “Tulsa Race Riot Report,” p. 149.

assembly of Negro shops and stores to be found anywhere in America” and lists hundreds of businesses.⁸⁷ The introduction to the directory states:

Perhaps nowhere else in America is there a single thoroughfare which registers such significance to local Negroes as North Greenwood Avenue in Tulsa. Today, after some twenty-five years of steady growth and development, Greenwood is something more than an Avenue, it is an institution. The people of Tulsa have come to regard it as a symbol of racial prominence and progress—not only for the restricted area of the street itself, but for the Negro section of Tulsa as a whole.

However, black people in Tulsa were still living in a system that was heavily biased against them. With no restitution or reparation for the harms done to them, and ongoing racial disparities in access to education, health, housing, and other social and economic rights and benefits, the cards were stacked against Greenwood’s ongoing success.

Ultimately, a complex set of factors that included government policies that disproportionately burdened black people resulted in Greenwood’s long-term decline. These included federal redlining and “urban renewal” programs pursued by the city and state.

Redlining

As a part of President Franklin D. Roosevelt’s New Deal, the Home Owners’ Loan Corporation (HOLC),⁸⁸ established in 1933, embarked on a City Survey Program,⁸⁹ using data from mortgage lenders and real estate developers, to investigate real estate conditions and assess desirability of neighborhoods.⁹⁰ The program resulted in a series of

⁸⁷ Greenwood Chamber of Commerce, “Business Directory of North Tulsa, Oklahoma,” https://21400bc3-acb9-420d-98ec-ac1476caeba6.filesusr.com/ugd/9bd760_0394da636f8e4db498cbcc8a79b506a5.pdf (accessed March 31, 2020). The document appears to be undated, but the John Hope Franklin Center Resource page describes it as a 1948 publication, <https://www.jhfcenter.org/osuwpgreenwood> (accessed May 17, 2020).

⁸⁸ Home Owners’ Loan Act of 1933, H.R. 5240, Pub. L. No. 73-43, 48 Stat. 128, electronically available at: https://fraser.stlouisfed.org/title/850?start_page=3 (accessed May 10, 2020).

⁸⁹ Amy E. Hiller, “Residential Security Maps and Neighborhood Appraisals. The Homeowners’ Loan Corporation and the Case of Philadelphia,” *Departmental Papers (City and Regional Planning)* (2005), https://repository.upenn.edu/cgi/viewcontent.cgi?article=1004&context=cplan_papers (accessed May 10, 2020), p. 207.

⁹⁰ University of Richmond’s Digital Scholarship Lab, “Mapping Inequality: Redlining in New Deal America,” undated, <https://dsl.richmond.edu/panorama/redlining/#loc=15/36.165/-95.995&maps=0&city=tulsa-ok&text=intro> (accessed May 10).

color-coded maps in 239 cities, including Tulsa, Oklahoma.⁹¹ Neighborhoods were graded with one of four categories from green (“the best”) to red (“hazardous”).⁹² Local mortgage companies deemed “redlined” areas, comprised of mostly low-income minorities, to be credit risks, making it impossible for many residents to access mortgage loans, furthering the homeownership and wealth gap.⁹³

Thirty-five percent of Tulsa, including parts of the historic Greenwood District and surrounding areas, was deemed hazardous by the HOLC.⁹⁴ While the 1968 Fair Chance at Housing Act outlawed redlining and other racially discriminatory housing practices, the effects of that racial and economic segregation persist today.⁹⁵ A 2018 study shows that most of the neighborhoods that the HOLC marked as “hazardous” between 1935 and 1939 are low-income and minority neighborhoods today.⁹⁶

A recent strategy document by the City of Tulsa recognizes that “historical actions including redlining and exclusionary zoning have led to disinvestment in neighborhoods that were once thriving in Tulsa.”⁹⁷ Additionally, a 2018 analysis of publicly available data under the Home Mortgage Disclosure Act found that black Tulsans were 2.4 times more likely to be denied home mortgage applications than white applicants in Tulsa.⁹⁸

⁹¹ Amy E. Hiller, “Residential Security Maps and Neighborhood Appraisals. The Homeowners’ Loan Corporation and the Case of Philadelphia,” *Departmental Papers (City and Regional Planning)*, p. 207, 214, n. 4; Tracy Jan, “Redlining was banned 50 years ago. It’s still hurting minorities today.,” *Washington Post*, March 28, 2018, <https://www.washingtonpost.com/news/wonk/wp/2018/03/28/redlining-was-banned-50-years-ago-its-still-hurting-minorities-today/> (accessed May 10, 2020).

⁹² University of Richmond’s Digital Scholarship Lab, “Mapping Inequality: Redlining in New Deal America.”

⁹³ Tracy Jan, “Redlining was banned 50 years ago. It’s still hurting minorities today,” *Washington Post*.

⁹⁴ University of Richmond’s Digital Scholarship Lab, “Mapping Inequality: Redlining in New Deal America,” Tulsa, OK map, undated, <https://dsl.richmond.edu/panorama/redlining/#loc=13/36.141/-96.018&maps=o&city=tulsa-ok> (accessed May 10, 2020).

⁹⁵ Tracy Jan, “Redlining was banned 50 years ago. It’s still hurting minorities today.,” *Washington Post*.

⁹⁶ Bruce Mitchell and Juan Franco, “HOLC ‘Redlining’ Maps: The persistent structure of segregation and economic inequality,” *National Community Reinvestment Coalition*, February 2019, https://ncrc.org/wp-content/uploads/dlm_uploads/2018/02/NCRC-Research-HOLC-10.pdf (accessed May 16, 2020).

⁹⁷ City of Tulsa, “Affordable Housing Strategy,” December 11, 2019, <https://www.cityoftulsa.org/media/11872/cot-affordable-housing-strategy-121119.pdf> (accessed May 16, 2020), p. i.

⁹⁸ The following article summarizes the data and methodology for the Reveal study. It also contains the link to the full report and a link to the dataset at the bottom of the article. Human Rights Watch took the Tulsa data from the Reveal study and analyzed it to validate the *Tulsa World’s* findings: Emmanuel Martinez and Aaron Glantz, “How we identified lending disparities in federal mortgage data.” *Reveal from The Center for Investigative Reporting*, February 15, 2018, <https://www.revealnews.org/article/how-we-identified-lending-disparities-in-federal-mortgage-data/> (accessed May 9, 2020); For *Tulsa World’s* findings see, Curtis Killman, “Analysis finds racial disparities in Tulsa, Oklahoma City mortgage approvals,” *Tulsa World*, February 15, 2018, https://www.tulsaworld.com/news/state/analysis-finds-racial-disparities-in-tulsa-oklahoma-city-mortgage-approvals/article_5ab714ba-30a8-59e5-9c1b-a2bf34ea77d6.html (accessed May 9, 2020).

“Urban Renewal”

Greenwood’s decline was further accelerated by “urban renewal”⁹⁹—a set of federally financed policies aimed at rehabilitating areas considered blighted by such methods as condemning property and paying occupants to move or using eminent domain, and then redeveloping the land.¹⁰⁰ Urban renewal helped to clear areas of downtown Tulsa including the northeast corridor of downtown, part of the Greenwood neighborhood.¹⁰¹

By the early 1970s, these policies had 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,” according to Hirsch.¹⁰² 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.¹⁰³

⁹⁹ Johnson, *Black Wall Street*, pp. 114-118; Hirsch, *Riot and Remembrance*, p. 195.

¹⁰⁰ Andrew Small, “The Wastelands of Urban Renewal,” *CityLab*, February 13, 2017, <https://www.citylab.com/equity/2017/02/urban-renewal-wastelands/516378/> (accessed May 25, 2020); “Acquisition of Redevelopment Property by Eminent Domains,” *Duke Law Journal*, Vol. 1964: 123, <https://scholarship.law.duke.edu/cgi/viewcontent.cgi?article=1897&context=dlj> (accessed May 25, 2020), p. 124-125. While poor people and people of color bore the brunt of the negative consequences of displacement from their communities, increased segregation, and heightened inequality, scholars have also noted that the policy brought shopping centers, office buildings, and entertainment centers cities across the United States. Katherine Schwab, “The Racist Roots Of ‘Urban Renewal’ And How It Made Cities Less Equal,” *Fast Company*, January 4, 2018, <https://www.fastcompany.com/90155955/the-racist-roots-of-urban-renewal-and-how-it-made-cities-less-equal> (accessed May 16, 2020). Michael R. Diamond, “De-concentrating Poverty: De-constructing a Theory and the Failure of Hope,” *Georgetown University Law Center*, 2012, <https://scholarship.law.georgetown.edu/cgi/viewcontent.cgi?article=2120&context=facpub> (accessed May 25, 2020), p. 3, 6-8, 16, 19; see also, Amber Wagoner, “Downtown Revitalized, Community Organized: a Comparative Analysis of Tulsa, Oklahoma and Portland, Oregon,” *Portland State University, University of Honors Thesis*, 2016, <https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1264&context=honorsthesis>, (accessed May 16, 2020), p. 26-28, and maps at xxiii.

¹⁰¹ *Ibid.*; see also, Amber Wagoner, “Downtown Revitalized, Community Organized: a Comparative Analysis of Tulsa, Oklahoma and Portland, Oregon,” *Portland State University, University of Honors Thesis*, 2016, <https://pdxscholar.library.pdx.edu/cgi/viewcontent.cgi?article=1264&context=honorsthesis>, (accessed May 16, 2020), p. xxiii.

¹⁰² Hirsch, *Riot and Remembrance*, p. 195; See also Johnson, *Black Wall Street*, p. 116. The author James Baldwin also referred to urban renewal as “Negro Removal.” See Diamond, “De-concentrating Poverty,” p. 19.

¹⁰³ Hirsch, *Riot and Remembrance*, p. 195.



View from Standpipe Hill, where gunfire rang out between white assailants and black Tulsans in 1921 in the Greenwood neighborhood. Interstate 244 is now seen cutting through Greenwood.

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Highway construction projects, which sought to “redeem” urban areas, disproportionately low-income and black, were a significant aspect of the urban renewal era.¹⁰⁴ Beginning in the 1950s, the city condemned property in areas including Greenwood, forcing the residents to move, in order to build seven expressways, funded mostly by the federal government,¹⁰⁵ to build the Inner Dispersal Loop (IDL), which formed a ring around downtown.¹⁰⁶ Completed in the 1970s, the north side of the IDL cut a high concrete swath along the southern boundary of Greenwood while the elevated Cherokee Expressway runs along the eastern edge of Greenwood. Two highways bound the remaining population in

¹⁰⁴ Alana Semuels, “The Role of Highways in American Poverty,” *The Atlantic*, March 18, 2016, <https://www.theatlantic.com/business/archive/2016/03/role-of-highways-in-american-poverty/474282/> (accessed May 16, 2020); Joseph Stromberg, “Highways gutted American cities. So why did they build them?” *Vox*, May 11, 2016, (accessed May 16, 2020).

¹⁰⁵ The Federal-Aid Highway Act was passed by US Congress in June 1956. “The law authorized the construction of a 41,000-mile network of interstate highways that would span the nation. It also allocated \$26 billion to pay for them. Under the terms of the law, the federal government would pay 90 percent of the cost of expressway construction.” See more, “The Interstate Highway System,” *History.com*, updated June 7, 2019, <https://www.history.com/topics/us-states/interstate-highway-system> (accessed May 26, 2020).

¹⁰⁶ Hirsch, *Riot and Remembrance*, p. 194; see also Terry Gross, “A ‘Forgotten History’ Of How the U.S. Government Segregated America,” *NPR*, May 3, 2017, <https://www.npr.org/2017/05/03/526655831/a-forgotten-history-of-how-the-u-s-government-segregated-america> (accessed May 16, 2020).

Greenwood's core and created dead space under the overpasses and near the exits.¹⁰⁷ It also displaced many families and businesses.¹⁰⁸

A May 4, 1967 article in the *Tulsa Tribune* about how Greenwood had changed, said:

The crosstown expressway slices across the 100 block of North Greenwood Avenue, across the very buildings that [were] once "a mecca for the Negro businessman" ... There will still be a Greenwood Avenue, but it will be a lonely, forgotten lane ducking under the shadow of a big overpass.¹⁰⁹

Other property targeted by the Tulsa Urban Renewal Authority includes the site where Oklahoma State University (OSU-Tulsa) now sits, which is where Booker T. Washington High School, Greenwood's main high school before the massacre, was located.¹¹⁰ According to the "Tulsa Race Riot Commission's" report, "urban renewal and the accumulation of North Greenwood property for the highway and Rogers State University (now OSU-Tulsa), create a gap in the records of property and cause old addresses, legal and otherwise, do [sic] not display on the county clerk computer system."¹¹¹

Hirsch concludes that highway construction and urban renewal, combined with other economic factors, resulted in Greenwood's economic collapse. The outcome, he wrote, was in "eerie parallel to what the city had tried to do after the riot: drive blacks away from downtown Tulsa."¹¹²

¹⁰⁷ Hirsch, *Riot and Remembrance*, p. 194-95; see also second half of Phil Mulkins, "Phone Company Wires Crossed on 1-900 Billing," *Tulsa World*, July 18, 1990, https://www.tulsaworld.com/archive/phone-company-wires-crossed-on-1-900-billing/article_36451259-3e75-55a9-967d-4df180238c4e.html (accessed May 16, 2020).

¹⁰⁸ See series of maps at: Michael Bates, "'There is no Negro business district anymore,'" *BatesLine*, June 4, 2017, <http://www.batesline.com/archives/2017/07/greenwood-expressway-demolition-1967.html> (accessed May 16, 2020); see also, Kendrick Marshall, "'Signs of Gentrification': Greenwood community worries residents being pushed out, history disrespected," *Tulsa World*, June 6, 2019, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out/article_267776fe-ac92-57ef-a048-5e1e0c72ae80.html (accessed March 28, 2020).

¹⁰⁹ 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> (accessed May 16, 2020).

¹¹⁰ Johnson, *Black Wall Street*, p. 120.

¹¹¹ "Tulsa Race Riot Report," p. 147.

¹¹² Hirsch, *Riot and Remembrance*, p. 194.

Tulsa historian Hannibal Johnson notes that if it were not for the efforts of the massacre survivors, like E.L. Goodwin Sr., who by the 1970s owned Greenwood’s last remaining law practice and had acquired several other Greenwood properties, what is left of Greenwood might not exist.¹¹³ The Tulsa Urban Renewal Authority targeted Goodwin’s property but he refused to sell unless he got outright title, or an option to purchase the remaining buildings on the once-famous Greenwood Avenue. The Tulsa Urban Renewal Authority agreed.¹¹⁴ Thanks to the efforts of Goodwin and others, Hannibal writes, the 100 block of Greenwood Avenue, located between Archer Street and the Interstate 244 overpass remains somewhat preserved “but it is a skeleton of its former self” when it was home to 242 black-owned and operated businesses in a 35-square-block area.¹¹⁵ Goodwin’s brother, James, later reflected:

What was characteristic of urban renewal authorities across the country, was that right through the core of the black business community, like an arrow through the heart, came the expressways. It happened here, in Oakland, Chicago and a host of other cities.¹¹⁶

A report by Tulsa’s Neighborhood Regeneration Project in 1978 described Greenwood as a place “that is left today [with] generally abandoned and underutilized buildings, sitting in a sparse population of poor and elderly black[s] awaiting the relocation counselors of the Urban Renewal Program.”¹¹⁷ And according to a 1985 article in *The Oklahoman*, “by 1979, little remained of the original district but a few boarded-up brick buildings at Greenwood and Archer and a small group of businessmen who comprised the Greenwood Chamber of Commerce.”¹¹⁸

¹¹³ Johnson, *Black Wall Street*, p. 116.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Dan Rutherford, “The Glory of Greenwood,” *Tulsa World*, March 10, 1997, https://www.tulsaworld.com/archive/the-glory-of-greenwood/article_75801376-ofc8-5525-aeb3-3eb1d6bc1256.html (accessed May 9, 2020).

¹¹⁷ Johnson, *Black Wall Street*, p. 116.

¹¹⁸ Griff Palmer, “Tulsa’s Greenwood Centre Was Once ‘Black Wall Street of the Southwest,’” *The Oklahoman*, February 4, 1985, <https://oklahoman.com/article/2097063/tulsas-greenwood-centre-was-once-black-wall-street-of-the-southwest> (accessed May 16, 2020); see also video at: KJRH Tulsa News, “Preserving Tulsa’s Historic Greenwood District – 65th Anniversary: A blast from the past,” December 10, 2019, <https://www.kjrh.com/news/local-news/preserving-tulsas-historic-greenwood-district> (accessed May 16, 2020).

Tulsa Today

Poverty, Race, and Geography

(This section through “The Fight for Reparations and Economic Justice in Tulsa” are adapted from the Human Rights Watch Report *“Get on the Ground: Policing, Poverty and Racial Inequality in Tulsa, Oklahoma,”* September 2019, pp. 12-13, 30-48).¹¹⁹

The effects of the Greenwood massacre and subsequent discrimination continue to be felt in the present day. Black neighborhoods remain underdeveloped and under resourced. Mistrust of police is a legacy of the massacre. Aggressive policing in the present serves as a reminder and even an extension of the past.

Large percentages of black people in Tulsa live in North Tulsa, above the 244 Freeway and Admiral Boulevard, and in smaller enclaves throughout the city like the area around 61st and Peoria Street, which has a large number of public housing projects.

The geographic segregation tends to track poverty rates. North Tulsa is significantly poorer than other parts of the city. There are few businesses and few large-scale employers there. Investment in the community has been greatly lacking. Some 33.5 percent of North Tulsans live in poverty, compared to 13.4 percent in South Tulsa. Unemployment overall for black people is 2.4 times the rate for white people. There are huge differences in life expectancy between north and south. North Tulsa has no traditional supermarkets with fresh meats and produce, and it is hard to find nutritious foods. Schools in Oklahoma, in general, are underfunded and in crisis. Tulsa schools are extremely segregated, with black students far more likely to be in schools characterized by high rates of poverty and high absenteeism, drop-out, and turnover rates. Black students are suspended from school much more frequently than white students.

As of mid-2019, Tulsa Mayor GT Bynum had recognized these significant inequalities and was taking important steps to address them. However, the city budget remained tilted towards policing. Over one-third of the city’s general fund was going to the police

¹¹⁹ Human Rights Watch, *“Get on the Ground!”: Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma.*

department, whose budget continued to grow. The city recently approved an additional sales tax to pay for a major expansion of the police department.

The racial and class dynamics of modern-day Tulsa exist in the context of a highly segregated city.¹²⁰ Racial divisions and economic underdevelopment, particularly in North Tulsa, contribute to crime, which serves as a rationale for aggressive police activity. Imposition and enforcement of criminal debt takes money from poor people and people of color in Tulsa, who tend to be poor, draining resources from their families and communities.

The poverty and lack of economic development of North Tulsa result from a variety of factors, including historical neglect dating back to the destruction of Greenwood in 1921. Reverend Gerald Davis of The United League for Social Action (TULSA) said that there is a great deal of investment in economic development in South Tulsa, including street improvements, bus lines, sewer lines, and other infrastructure, but politicians tend to ignore North Tulsa.¹²¹ A prevalent attitude among people with political and economic power is “you don’t want to go there, build there, buy there.”¹²²

Davis attributes this neglect, in large part, to “systemic racism,” and says that it has persisted from the time of legalized racial segregation.¹²³ Systemic or structural racism is caused by public policies, institutional practices, cultural representations, and other norms working in various, often reinforcing, ways to perpetuate racial group inequity.¹²⁴ These policies, practices and norms serve to benefit and privilege white people while denying basic rights and limiting opportunities for people of color. Systemic racism does

¹²⁰ Human Rights Watch telephone interview with Pastor Ray Owens, Metropolitan Baptist Church, Tulsa, Oklahoma, April 12, 2018; Human Rights Watch interview with Edward Malone (pseudonym), Tulsa, Oklahoma, November 1, 2017.

¹²¹ Human Rights Watch telephone interview with Reverend Gerald Davis, Church of the Restoration, Tulsa, Oklahoma, October 4, 2017.

¹²² Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017, and Eddie Evans, 100 Black Men, Tulsa, Oklahoma, January 4, 2018; Human Rights Watch interview with Drew Diamond, executive director, Jewish Federation of Tulsa, former chief, Tulsa Police Department, Tulsa, Oklahoma, September 27, 2017.

¹²³ Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017.

¹²⁴ Institute Staff, “11 Terms You Should Know to Better Understand Structural Racism,” post to “Racial Equity” (blog), The Aspen Institute, July 11, 2016, <https://www.aspeninstitute.org/blog-posts/structural-racism-definition/> (accessed July 14, 2019); Jenee Desmond-Harris, “Finally, an explanation of systemic racism that won’t put you to sleep,” *Vox*, April 23, 2015, <https://www.vox.com/2015/4/23/8482799/systemic-racism-explained-examples> (accessed July 14, 2019).

not depend on racism of individuals or on overt discriminatory intent, but it can exist even in a culture that disavows racial bias.

Many community leaders from North Tulsa agree on the need for structural change in the neighborhoods where crime occurs, including investment in education, job training, infrastructure, business development, entrepreneurship, and employment opportunities, not more abusive policing.¹²⁵

Poverty, race, and geography correlate substantially in Tulsa. The line dividing North Tulsa from the rest of the city is often recognized as Admiral Place and Interstate 244, which run alongside each other east to west across the city.¹²⁶ About half of all black people in Tulsa live in North Tulsa, though this section only has 21 percent of the city's total population.¹²⁷ The seven zip codes identified¹²⁸ as comprising North Tulsa have a total population of approximately 85,000 people according to recent census data.¹²⁹

¹²⁵ Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017, and Pastor Rodney Goss, Morningstar Baptist Church, Tulsa, Oklahoma, August 30, 2017, and Eddie Evans, January 4, 2018, and Senator Kevin Matthews, Oklahoma State Senate, District 11, Tulsa, Oklahoma, October 12, 2017, and Dr. Tiffany Crutcher, Terence Crutcher Foundation, April 11, 2018; Human Rights Watch interview with Pastor Arlando Jasper, Bernsen Family Life Center, Tulsa, Oklahoma, March 19, 2018.

¹²⁶ Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

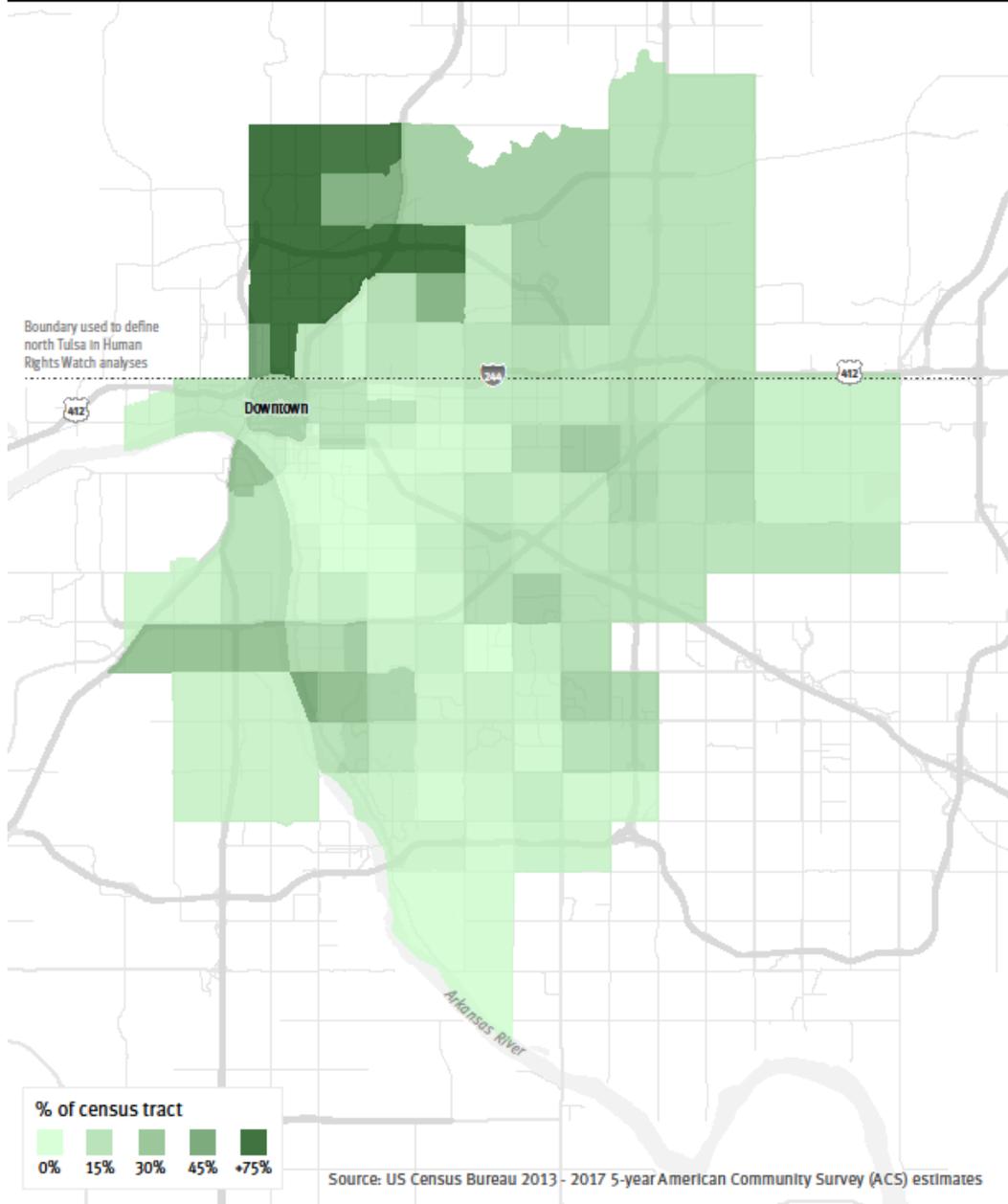
¹²⁷ Ryan Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," post to "Race and Equity" (blog), *Oklahoma Policy Institute*, August 23, 2017, <https://okpolicy.org/millions-of-dollars-in-court-debt-hangs-over-oklahomas-poorest-zip-codes/> (accessed July 14, 2019). Human Rights Watch calculated these percentages based on the population data in the OK Policy report.

¹²⁸ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, 2018, https://www.tulsaei.org/webdocs/Tulsa_Equality_Indicators_Annual_Report_2018_Web.pdf (accessed July 14, 2019), p. 38.

¹²⁹ Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," *Oklahoma Policy Institute*. Some of these zip codes extend past the exact borders of the city of Tulsa, and the total population numbers here include people in such areas as there is no way to break down the numbers more precisely from this dataset. The slight overcounting does not detract from the overall trend. Census data in this report comes from this survey: "US Census Bureau 2011-2015 American Community Survey 5-Year Estimates," 2015, <https://www.census.gov/programs-surveys/acs/technical-documentation/table-and-geography-changes/2015/5-year.html> (accessed July 14, 2019).

Black Percentage of Population

Proportion of census tract population that is Black



130

¹³⁰ North Tulsa is generally recognized as being the section of the city north of Interstate 244 and Admiral Boulevard. The eastern border is unclear, according to people interviewed by Human Rights Watch. For purposes of our analysis, Human Rights Watch defines North Tulsa as all areas within the city limits north of Interstate 244.

The median yearly household income for this entire area is \$28,867.¹³¹ By contrast, the six zip codes identified with South Tulsa have a total population of just over 127,000 people, and a median yearly household income almost double, at \$59,908. Median household income for black households throughout Tulsa is below \$30,000; it is above \$50,000 for white households.¹³²

Just over one-third of people living in North Tulsa are below the poverty line, and 35.7 percent are black.¹³³ Just 13.4 percent of South Tulsans are below the poverty line, and only 9.1 percent of South Tulsans are black. In North Tulsa, 36 percent of the black population and 32 percent of the white population are below the poverty line.¹³⁴

Individual zip codes within North Tulsa that have higher percentages of black residents also have higher poverty rates. Zip code 74106 is made up of 67.2 percent black residents. It has the highest poverty level of any Tulsa zip code at 41 percent.¹³⁵ Zip code 74126, just north of 74106, has the second highest percentage of black residents in Tulsa at 57.2 percent, and has a poverty level of 38.5 percent. In contrast, South Tulsa zip code 74137, with only 3.1 percent black residents, has only 7.6 percent of its population living in poverty. Overall, the black population of North Tulsa is about 48,700; the white population is 48,400.

¹³¹ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 38.

¹³² Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 16. This disparity in wealth reflects a national disparity between white and black people and is not unique to Tulsa. According to an analysis of 2010 census data, median net worth for white households was \$110,729, compared to \$4,955 for black households, a more than 22-fold difference. Tami Luhby, "Worsening wealth inequality by race," *CNN/Money*, June 21, 2012, <https://money.cnn.com/2012/06/21/news/economy/wealth-gap-race/> (accessed July 14, 2019).

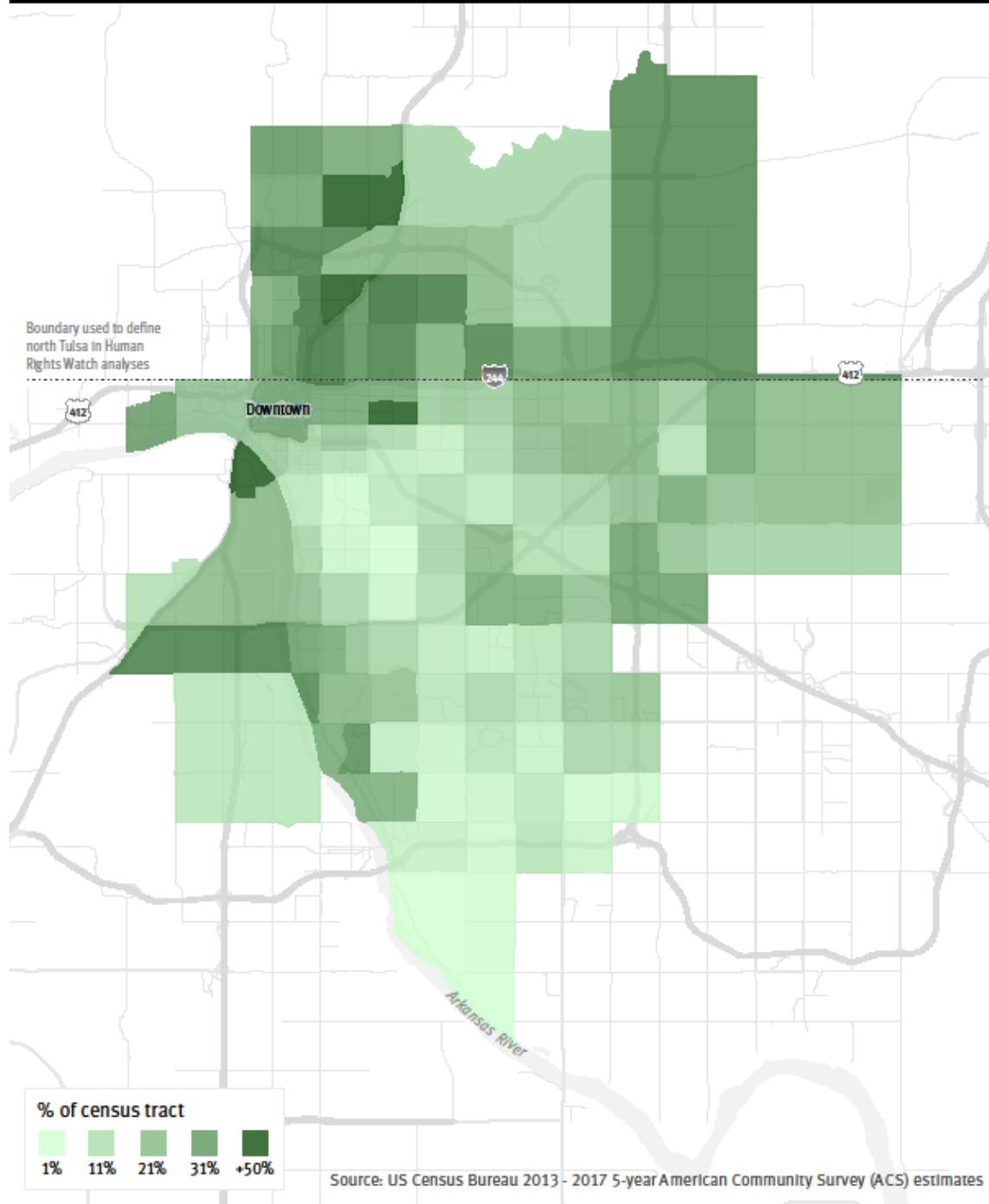
¹³³ Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," *Oklahoma Policy Institute*. Human Rights Watch calculated these percentages based on the population data in the OK Policy report.

¹³⁴ Human Rights Watch data analysis.

¹³⁵ Gentzler, "Millions of dollars in court debt hang over residents of Oklahoma's poorest neighborhoods," *Oklahoma Policy Institute*. Human Rights Watch calculated these percentages based on the population data in the OK Policy report.

Poverty Rate

Percentage of census tract population living below the poverty line



Data from 2017 shows that white people made up 38 percent of all people living in poverty in Tulsa; black people were 20.7 percent; Latinos, 18.2 percent; people identified as multi-racial, 9.1 percent and Native Americans, almost 3.9 percent.¹³⁶ However, the poverty rate for black people throughout the city is about 33.5 percent, while the rate for white people is just under 13 percent.¹³⁷

North Tulsa has relatively few businesses and shopping districts, compared to other parts of the city.¹³⁸ They tend to be small and do not provide many employment opportunities.

According to a city study on inequality, South Tulsa had a two-and-a-half times greater presence of small businesses per resident than North Tulsa; East Tulsa's rate was almost double.¹³⁹ The study found that North Tulsa had many payday lenders, which typically carry extortionate rates of interest that often keep poor people trapped in debt, and few banks



A boarded-up house in North Tulsa. © 2018 John Raphling/Human Rights Watch

¹³⁶ Data USA, "Tulsa Oklahoma," 2017, <https://datausa.io/profile/geo/tulsa-ok/> (accessed July 14, 2019).

¹³⁷ World Population Review, "Tulsa, Oklahoma Population 2019," 2019, <https://bit.ly/2XeckGP> (accessed July 14, 2019).

¹³⁸ Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

¹³⁹ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 14.

that might invest in community development.¹⁴⁰ North Tulsa has large numbers of dilapidated residential and commercial properties.¹⁴¹

According to the city study, North Tulsa had the lowest labor force participation and fewest jobs of any region of the city.¹⁴² Overall unemployment, defined as the rate of individuals participating in the labor force but unable to find work, is 2.37 times higher for black than for white Tulsans.¹⁴³ The unemployment rate in North Tulsa only is 14 percent for black people and 11 percent for white people.¹⁴⁴



Boarded-up businesses in North Tulsa. © 2018 John Raphling/Human Rights Watch

¹⁴⁰ Ibid., p. 14. Payday lenders give short-term loans to poor people with strict and onerous conditions, including high interest rates. Borrowers often have to take out new loans to pay back the original loan. Their business model is to profit from people in immediate financial crisis by advancing money for rent, medical bills, car payments, court fines, bail and other survival needs. People who depend on these short-term loans get stuck in a cycle of debt that keeps them in poverty. Human Rights Watch email correspondence with Joshua Zinner, chief executive officer, Interfaith Center on Corporate Responsibility, New York, New York, November 6, 2018. On file with Human Rights Watch. East Tulsa also had high levels of payday lenders.

¹⁴¹ Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

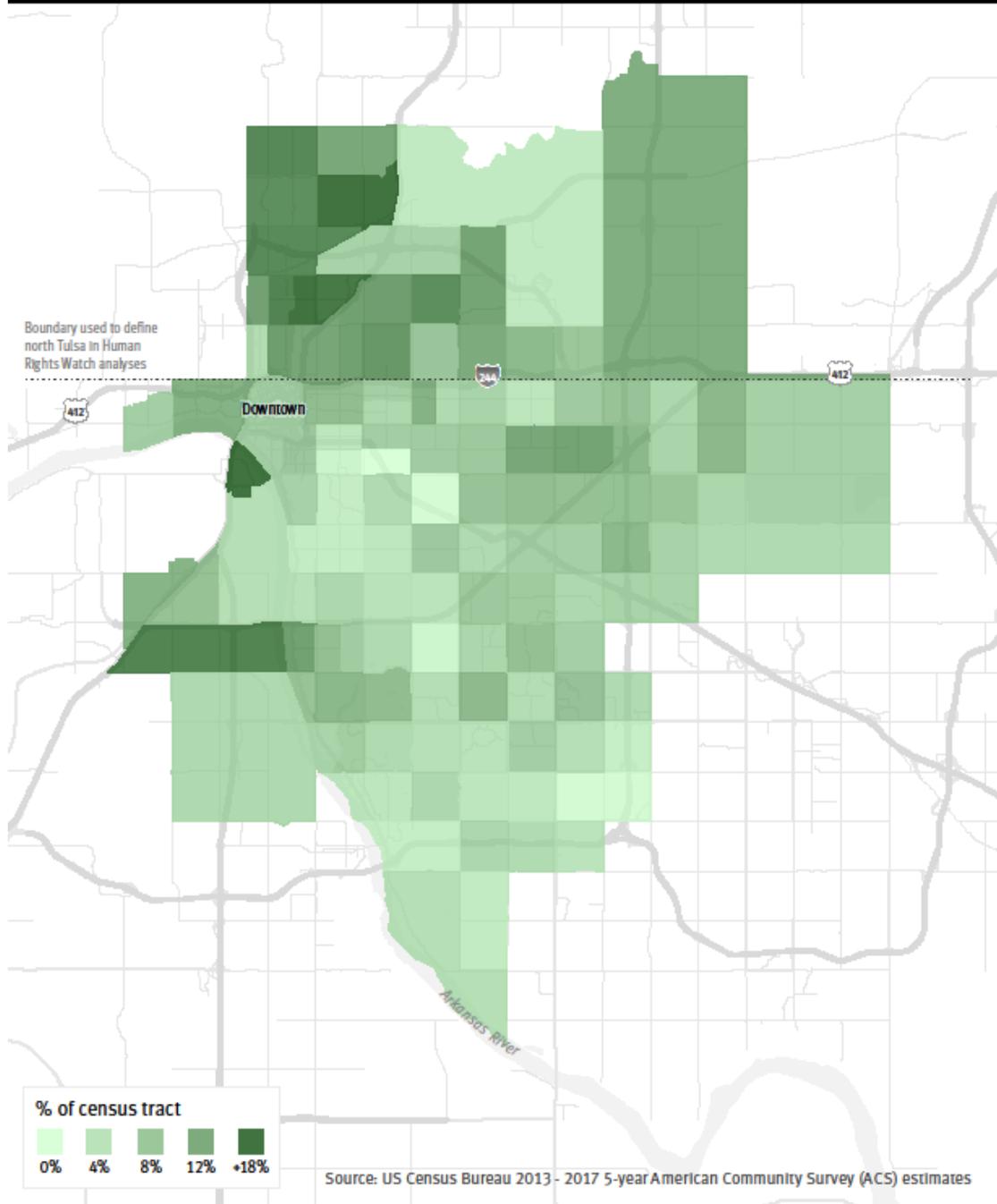
¹⁴² Community Service Council, “Tulsa Equality Indicators: Annual Report, 2018,” *City of Tulsa*, p. 15. Labor force participation is defined as people either working or actively seeking employment, as opposed to those who are unable to work due to disability, age or other reasons, and those who have given up on finding employment.

¹⁴³ Ibid., p. 15.

¹⁴⁴ Human Rights Watch data analysis.

Unemployment Rate

Percentage of census tract labor force that is unemployed



Crime and law enforcement impact economic opportunities. People with criminal records face serious barriers to getting jobs.¹⁴⁵ Those coming out of jail or prison have few options and are often burdened by court-imposed debt that can result in further arrest for failure to pay, and loss of employment opportunities.¹⁴⁶

Health

Tulsa's racial and economic class segregation is reflected in differences in "quality of life" factors between different sections of the city. A 2015 study conducted by Virginia Commonwealth University's Center on Society and Health found the lowest life expectancy in Tulsa in the poorest areas with the greatest concentration of black residents.¹⁴⁷

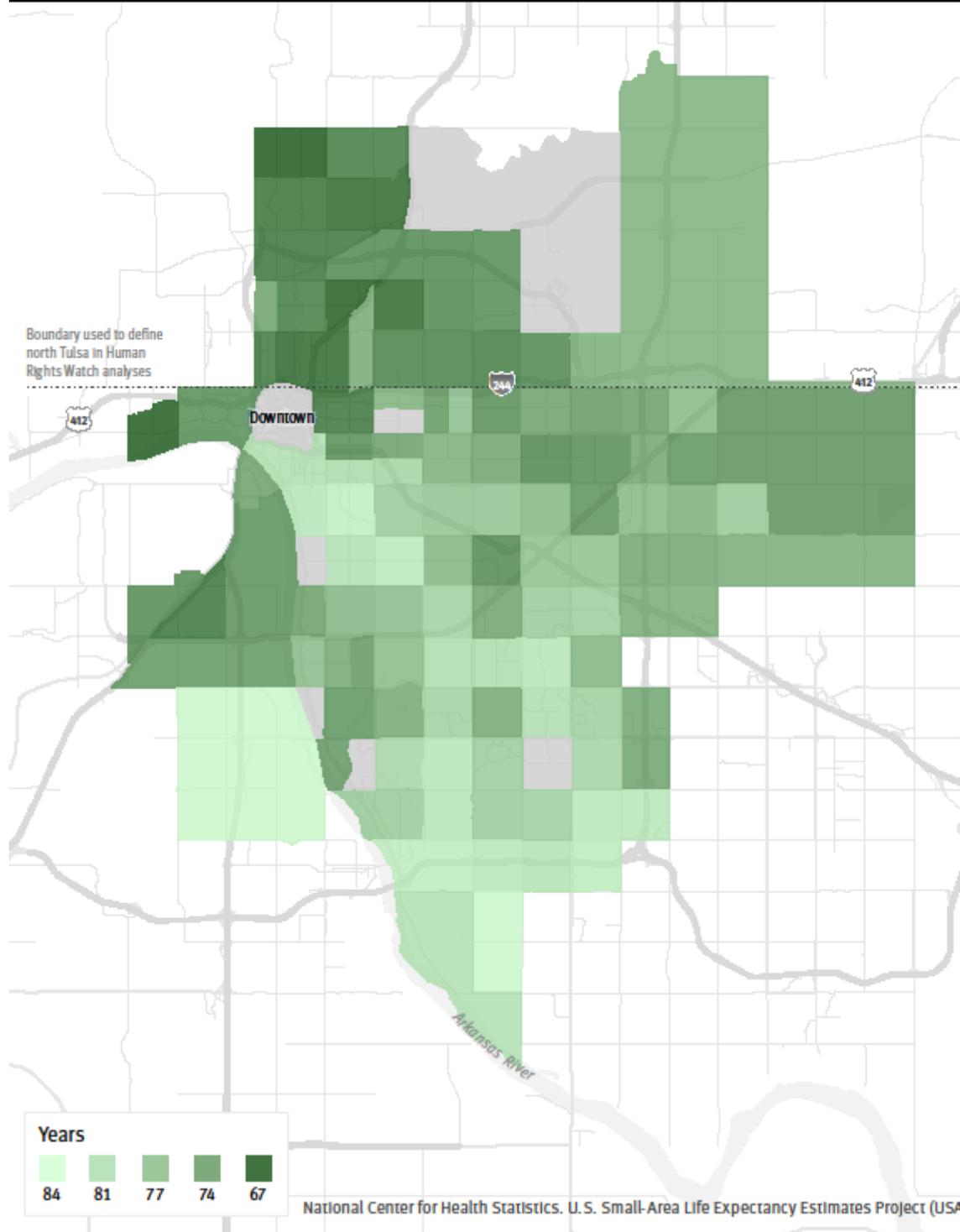
¹⁴⁵ Human Rights Watch interview with Kristi Williams, vice chair, African American Affairs Commission, Tulsa, Oklahoma, March 20, 2018.

¹⁴⁶ Human Rights Watch telephone interview with Dr. Tiffany Crutcher, April 11, 2018; Human Rights Watch interview with LaRoy Jordan (pseudonym), Tulsa, Oklahoma, September 28, 2017, and Marcus Harrington (pseudonym), Tulsa, Oklahoma, March 21, 2018, and Solomon MacArthur (pseudonym), Tulsa, Oklahoma, September 26, 2017.

¹⁴⁷ Center on Society and Health, "Tulsa Live Expectancy Methodology and Data Table," *Virginia Commonwealth University*, <https://societyhealth.vcu.edu/media/society-health/pdf/LE-Map-Tulsa-Methods.pdf> (accessed July 14, 2019). This disparity of lifespan based on wealth is pervasive in the US. Jessica Glenza, "Rich Americans live up to 15 years longer than poor peers, studies find," *The Guardian*, April 6, 2017, <https://www.theguardian.com/us-news/2017/apr/06/us-healthcare-wealth-income-inequality-lifespan> (accessed July 14, 2019).

Life Expectancy

Life expectancy at birth in each census tract



The North Tulsa zip code 74106, with the city’s highest percentages of black population and of residents living in poverty, had an average life expectancy of 70 years.¹⁴⁸ South Tulsa zip codes 74133 and 74137, both with poverty rates below 10 percent and black populations at 7.5 percent and 3.1 percent respectively, had average lifespans of 81 years.¹⁴⁹

Throughout Tulsa, infant mortality rates for black people are almost triple that for white people.¹⁵⁰ Rates of heart disease are considerably higher, and rates of low birth weight children are nearly twice as high for black people as for white people.¹⁵¹

“Social and economic factors are well known to be strong determinants of health outcomes,”¹⁵² according to the St. Johns Health System community needs assessment, which identified nearly all of the North Tulsa zip codes as locations in Tulsa County with the greatest need.¹⁵³

Nutrition

Nutrition and access to nutritious food is an important contributing factor to the overall health of an individual and a community. The state of Oklahoma as a whole suffers from a high rate of food insecurity, with 15.5 percent of all households lacking sufficient nutrition, significantly higher than the national average.¹⁵⁴ Food insecurity and hunger, most

¹⁴⁸ Center on Society and Health, “Tulsa Live Expectancy Methodology and Data Table,” *Virginia Commonwealth University*.

¹⁴⁹ The Tulsa Health Department measured a 13.8-year disparity in average lifespans between people living in the wealthy, overwhelmingly white South Tulsa 74137 zip code and the low-income, majority-black North Tulsa 74126 zip code in a study of 2000-2002 data (80.6 years vs. 66.8 years). While that difference had narrowed by about three years in a study of 2011-2013 data, other zip codes reflected widening gaps. “Narrowing the Gap,” *Tulsa Health Department*, May 26, 2015, https://www.tulsa-health.org/sites/default/files/page_attachments/Life%20Expectancy%20Report.pdf (accessed July 14, 2019).

¹⁵⁰ Community Service Council, “Tulsa Equality Indicators: Annual Report, 2018,” *City of Tulsa*, p. 29.

¹⁵¹ *Ibid.*, p. 30-31.

¹⁵² Annie Smith, “St. John Medical Center: 2016 Community Health Needs Assessment,” *St. John Medical Center*, 2016, https://www.stjohnhealthsystem.com/media/file/CHNA2017/FINAL_SJMC_2016_Community_Health_Needs_Assessment_Updated.pdf (accessed July 14, 2019), p. 127. Oklahoma has among the highest percentages of people without health insurance of US states. “Health Insurance Coverage of the Total Population,” *Kaiser Family Foundation*, 2019, <https://www.kff.org/other/state-indicator/total-population/?currentTimeframe=0&sortModel=%7B%22collid%22:%22Uninsured%22,%22sort%22:%22desc%22%7D> (accessed July 14, 2019).

¹⁵³ Annie Smith, “St. John Medical Center: 2016 Community Health Needs Assessment,” *St. John Medical Center*, p. 128-120.

¹⁵⁴ Hunger Free Oklahoma, “Ending Hunger in Oklahoma: An assessment of food insecurity and resources in Oklahoma,” April 4, 2017, <https://bit.ly/2ZkQorq> (accessed July 14, 2019), p. 10.

Lack of Grocery Stores

Instead of grocery stores with adequate supplies of fresh produce, North Tulsa has “Dollar” convenience stores that primarily sell processed foods with little nutritional value.¹⁶⁰ Activists in North Tulsa, including City Councilor Vanessa Hall-Harper, have called for regulations to limit the number of these stores. Hall-Harper and the Tulsa Economic Development Corporation are spearheading an effort to use Community Development Block Grant money to develop a traditional grocery store in a central North Tulsa location.¹⁶¹

Residents of North Tulsa now must drive great distances to get healthy food.¹⁶² Some do not own cars, while many that do are not able to afford extra gas. Some have had their licenses suspended due to warrants or criminal court debt. Driving exposes people to aggressive police enforcement tactics.

prevalent in impoverished communities, increase illness and health-care costs, decrease academic achievement and weaken the labor force, all exacerbating the existing poverty.¹⁵⁵

“Food deserts are geographic areas where grocery stores are scarce and are void of fresh produce, usually found in low-income areas.”¹⁵⁶ About 19 percent of Tulsa County residents live in areas considered “food deserts,”¹⁵⁷ and 45 percent of Tulsa’s population have low access to nutritious food.¹⁵⁸ The areas considered food deserts are primarily in North Tulsa.¹⁵⁹

¹⁵⁵ Hunger Free Oklahoma, “Ending Hunger in Oklahoma: An assessment of food insecurity and resources in Oklahoma,” p. 10-11.

¹⁵⁶ Hunger Free Oklahoma, “Oklahoma is Hungry,” <https://hungerfreeok.org/theissueoklahomaishungry/> (accessed July 14, 2019).

¹⁵⁷ Jamie LaVarnway and Effie Craven, “An Overview of Food Deserts in Oklahoma: June 2017,” *Oklahoma Food Banks*, <https://www.regionalfoodbank.org/uploads/advocacy/Food%20Desert%20Report%20FINAL.pdf> (accessed July 14, 2019), p. 5-6.

¹⁶⁰ Human Rights Watch telephone interview with Reverend Gerald Davis, October 4, 2017.

¹⁶¹ Kevin Canfield, “New grocery store to be built at Shoppes at Peoria,” *Tulsa World*, March 2, 2018, https://www.tulsaworld.com/business/retail/new-grocery-store-to-be-built-at-shoppes-at-peoria/article_43e6cde5-34d3-5d3f-95d2-d3bc996d01ef.html (accessed July 14, 2019).

¹⁶² Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.



A Dollar Store in North Tulsa. © 2018 John Raphling/Human Rights Watch

Education

Oklahoma schools are underfunded; Oklahoma teacher pay ranked ahead of only Mississippi and South Dakota in 2016;¹⁶³ 20 percent of the state's schools were reduced to four-day weeks in 2018 due to budget cuts.¹⁶⁴ The Tulsa schools lost 628 teachers in the

¹⁶¹ Kevin Canfield, "New grocery store to be built at Shoppes at Peoria," *Tulsa World*, March 2, 2018, https://www.tulsaworld.com/business/retail/new-grocery-store-to-be-built-at-shoppes-at-peoria/article_43e6cde5-34d3-5d3f-95d2-d3bc996d01ef.html (accessed July 14, 2019).

¹⁶² Human Rights Watch telephone interview with Eddie Evans, January 4, 2018.

¹⁶³ National Education Association, "Rankings of the States 2016 and Estimates of School Statistics 2017," May 2017, <https://bit.ly/2ZkfqFx> (accessed July 14, 2019), p. 108-109. In April 2018, teachers across the state went on strike, and pressured legislation to raise taxes to pay for additional funding, including an average \$6,100 raise. Emily Wendler, "Lawmakers Pass Rare Tax Increase For Education, But Funding Falls Short of Teachers' Demands," *StateImpact Oklahoma, National Public Radio (NPR)*, March 29, 2018, <https://stateimpact.npr.org/oklahoma/2018/03/29/lawmakers-pass-rare-tax-increase-for-education-but-funding-falls-short-of-teachers-demands/> (accessed July 14, 2019); Paul Waldman, "Republicans want to turn the entire country into Oklahoma," *Washington Post*, February 8, 2018, https://www.washingtonpost.com/blogs/plum-line/wp/2018/02/08/republicans-want-to-turn-the-entire-country-into-oklahoma/?utm_term=.23fbc5549d8c (accessed July 14, 2019). While this amount will help retain more teachers, Tulsa Public School officials have said that the new funding will not be enough to materially change the districts' financial situation. Samuel Hardiman, "'Not going to be enough for our circumstances': School finances have changed little despite walkout," *Tulsa World*, April 28, 2018, https://www.tulsaworld.com/eedition/page-a/page_2e84d424-c117-5247-a97d-7edbfa89e7c2.html (accessed July 14, 2019).

¹⁶⁴ Moriah Balingit, "Oklahoma governor compares striking teachers to 'a teenage kid that wants a better car,'" *Washington Post*, April 4, 2018, https://www.washingtonpost.com/news/education/wp/2018/04/04/oklahoma-governor-compares-striking-teachers-to-a-teenage-kid-that-wants-a-better-car/?utm_term=.cob9370aa400 (accessed July 14, 2019).

2016-2017 school year, due in large part to low salaries.¹⁶⁵ Schools lack adequate funding for textbooks and repairs.¹⁶⁶

Over the past decade, Oklahoma schools have lost 30 percent of their funding, adjusting for inflation.¹⁶⁷ The state legislature cannot raise taxes without a three-quarters majority,¹⁶⁸ making it extremely difficult to raise revenue through taxation.

Inadequate school funding negatively impacts low-income schools much more than those with wealthier student populations.¹⁶⁹ Local schools raise money from their communities and benefit from parents contributing for supplies, sports, music programs, and other activities to enrich the lives of students. Schools in very low-income communities, such as North Tulsa, lack this alternative source of income.

Along with segregated neighborhoods come segregated schools. The Tulsa area has 12 schools with greater than 75 percent black enrollment, 19 schools with greater than 50 percent black enrollment, mostly in the city of Tulsa, and 71 schools, almost all in suburban school districts, with less than 6 percent black enrollment.¹⁷⁰

The percentage of students eligible for free and reduced school lunches is often used as a proxy for the percentage of its students living in poverty. The average black student in Tulsa public schools attends a school where over 81 percent of students are eligible for free and reduced school lunch, as compared to 77 percent for the average Latino student, and 55 percent for the average white student.¹⁷¹

¹⁶⁵ Samuel Hardiman, "Far fewer Tulsa Public Schools teachers exit the district this year; proposed pay raise cited by officials," *Tulsa World*, June 22, 2018, https://www.tulsaworld.com/news/local/education/far-fewer-tulsa-public-schools-teachers-exit-the-district-this/article_925c1e1e-3e20-5515-ae4f-ba93f93b2fcd.html (accessed July 14, 2019).

¹⁶⁶ Balingit, "Oklahoma governor compares striking teachers to 'a teenage kid that wants a better car,'" *Washington Post*.

¹⁶⁷ Waldman, "Republicans want to turn the entire country into Oklahoma," *Washington Post*.

¹⁶⁸ *Ibid.*

¹⁶⁹ Janie Boschma and Ronald Brownstein, "The Concentration of Poverty in American Schools," *The Atlantic*, February 29, 2016, <https://www.theatlantic.com/education/archive/2016/02/concentration-poverty-american-schools/471414/> (accessed July 14, 2019). The article quoted Stanford University professor of education Sean Reardon, saying "... [S]chool poverty turns out to be a good proxy for quality of a school.... [S]chools serving poor kids tend to have fewer resources, both economic and social capital resources."

¹⁷⁰ David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*, September 11, 2014, <https://okpolicy.org/schools-housing-poverty-thoughts-segregation-tulsa/> (accessed July 14, 2019). These numbers indicate progress from the late 1960s when Tulsa's ranked as one of the most racially segregated school systems in the country.

¹⁷¹ David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*.

High poverty schools have much greater rates of absenteeism and students are more likely to leave after one year than are students at predominantly white lower poverty schools.¹⁷² Turnover and interruption in attendance in a school make it difficult for all students to learn,¹⁷³ and reflect the stresses of poverty that greatly impact scholastic achievement, including poor health, hunger, and exposure to crime and violence.¹⁷⁴

Black students receive school suspensions at a rate 2.5 times greater than white students, and at a significantly greater rate than Latino students.¹⁷⁵ Despite recent policy changes to de-emphasize removing children from school,¹⁷⁶ which have reduced overall suspensions,¹⁷⁷ there remain significant differences in suspension, dropout, and mobility rates based on race and wealth.¹⁷⁸

These educational deficiencies, all problems in Tulsa's under-resourced, low-income public schools, are likely contributors to crime,¹⁷⁹ as young people who fail in school have

¹⁷² David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*.

¹⁷³ McLain High School, in North Tulsa, has a majority black student body with another 25 percent of students, Latino. Students miss an average of 26.7 days each school year. It has a "mobility rate" (percentage leaving the school after each year) of 83.3 percent. It has high rates of suspensions and students dropping out of school. Not surprisingly, the 10th grade achievement scores are extremely low. By contrast, Booker T. Washington High School has a 3.3 percent "mobility rate" and an absentee rate of about one-third that of McLain. Its students are suspended far less frequently and very few of them drop out of school. This school's achievement scores are about seven times higher. Office of Educational Quality and Accountability: 2017 School Profiles, "McLain HS for Science and Technology," 2017, <https://www.edprofiles.info/doc/profiles/2017/reports/src/201772i001720.pdf> (accessed July 14, 2019); Office of Educational Quality and Accountability: 2017 School Profiles, "Booker T. Washington High School," <https://www.edprofiles.info/doc/profiles/2017/reports/src/201772i001735.pdf> (accessed July 14, 2019).

¹⁷⁴ David Blatt, "Schools, housing & poverty: Thoughts on segregation in Tulsa," *Oklahoma Policy Institute*.

¹⁷⁵ Civil Rights Data Collection, US Department of Education, "School and District Search: Tulsa, OK," 2015 <https://ocrdata.ed.gov/Page?t=d&eid=29907&syk=8&pid=2278> (accessed July 14, 2019).

¹⁷⁶ Editorial Writers, "Tulsa World Editorial: TPS discipline guidelines de-emphasize suspensions: TPS implements new policy," *Tulsa World*, July 22, 2016, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-tps-discipline-guidelines-de-emphasizes-suspensions/article_f37890c3-ced9-55ec-9757-1384b01e57a5.html (accessed July 14, 2019).

¹⁷⁷ Samuel Hardiman, "Tulsa Public Schools data: Special-needs students are suspended disproportionately more than others," *Tulsa World*, September 16, 2018, https://www.tulsaworld.com/news/education/tulsa-public-schools-data-special-needs-students-are-suspended-disproportionately/article_5b924efb-e959-5364-ba2d-043422f471cd.html (accessed July 14, 2019).

¹⁷⁸ Community Service Council, "Tulsa Equality Indicators: Annual Report, 2018," *City of Tulsa*, p. 18.

¹⁷⁹ Alliance for Excellent Education, "Crime Rates Linked to Educational Attainment, 2013 Alliance Report Finds," September 12, 2013, <https://all4ed.org/press/crime-rates-linked-to-educational-attainment-new-alliance-report-finds/> (accessed July 14, 2019).

fewer economic opportunities, are more likely to be unemployed, lack legal options for survival, and have to deal with other stresses that accompany poverty.¹⁸⁰

Police Funding in Tulsa

Tulsa devotes much of its budget to policing. Policing has accounted for about one-third of the outlays from the general fund, the city's primary operating fund,¹⁸¹ over the past five years, and accounts for by far the largest general fund outlays. By contrast, "public works and transportation" made up about 10 percent of the budget in FY18-19, and social and economic development about 4 percent.¹⁸²

When city revenues dropped significantly in FY 2014-2015, the mayor had other city departments take cuts to allow for increases in the police department.¹⁸³ Both city¹⁸⁴ and

¹⁸⁰ Brian Gentry, Rishab Mokkalapati and Kiran Rampersad, "Impact of Educational Attainment on Crime in the United States: A Cross-Metropolitan Analysis," *Georgia Institute of Technology*, November 17, 2016, https://smartech.gatech.edu/bitstream/handle/1853/56029/gentry_mokkalapati_rampersad_-_educational_attainment_and_crime.pdf (accessed July 14, 2019).

¹⁸¹ City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2017-2018," <https://www.cityoftulsa.org/media/4455/annualbudgetfy2017-2018.pdf> (accessed July 14, 2019), p. 85.

¹⁸² Human Rights Watch is not making a comparative analysis with other cities and the percentages that they spend on policing. Police funding for FY 2018 – 2019 accounted for 35.1 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2018-2019," <https://www.cityoftulsa.org/media/8388/fy18-19-annual-budget.pdf>, (accessed July 14, 2019), p. 87-90. Police funding for FY 2017 – 2018 accounted for 34.6 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2017-2018," <https://www.cityoftulsa.org/media/4455/annualbudgetfy2017-2018.pdf> (accessed July 14, 2019). Police funding for FY 2016 – 2017 accounted for 34.8 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2016-2017," <https://www.cityoftulsa.org/media/1418/fy16-17annualbudget.pdf> (accessed July 14, 2019). Police funding for FY 2015 – 2016 accounted for 34.5 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2015-2016," <https://www.cityoftulsa.org/media/2906/fy2015-16.pdf> (accessed July 14, 2019). Police funding for FY 2014 – 2015 accounted for 34 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2014-2015," <https://www.cityoftulsa.org/media/2905/fy2014-15.pdf> (accessed July 14, 2019). Police funding for FY 2013 – 2014 accounted for 31.6 percent of the city's general fund; see more here, City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2013-2014," <https://www.cityoftulsa.org/media/2904/fy2013-14.pdf> (accessed July 14, 2019).

¹⁸³ City of Tulsa, "Annual Budget and Capital Plan: Fiscal Year 2014-2015," p. 10.

¹⁸⁴ Kevin Canfield, "Opening of city's new jail scheduled for March as operating cost estimates rise," *Tulsa World*, January 3, 2018, https://www.tulsaworld.com/homepagelatest/opening-of-city-s-new-jail-scheduled-for-march-as/article_f92b88c2-4101-5077-926f-40f144e3fo83.html (accessed July 15, 2019). Mayor Bynum argues that operating a separate city jail will save Tulsa the cost of paying the county to house these prisoners.

county¹⁸⁵ authorities have recently put public money into building, renovating, expanding, and operating jails.¹⁸⁶

¹⁸⁵ Jaclyn Cosgrove, “Tulsa, Oklahoma counties address jail changes, mentally ill inmates,” *The Oklahoman*, January 22, 2017, <https://newsok.com/article/5535086/tulsa-oklahoma-counties-address-jail-changes-mentally-ill-inmates> (accessed July 15, 2019); “Tulsa County Voters Approve Sales Tax to Improve Jails,” *Channel 9 News*, April 1, 2014, <https://bit.ly/2zQjFOH> (accessed July 15, 2019).

¹⁸⁶ A survey of police budgets in 10 major US cities for fiscal year 2017 found a range of spending from New York City, NY, spending 8.2 percent of their general fund to Oakland, CA spending 41.2 percent. Kate Hamaji, et al., “Freedom to Thrive: Reimagining Safety and Security in Our Communities,” undated, <https://populardemocracy.org/sites/default/files/Freedom%20To%20Thrive%2C%20Higher%20Res%20Version.pdf> (accessed on July 14, 2019), p. 2. Chicago, IL, spent a higher percentage than Tulsa, at 38.6 percent, while Los Angeles, CA, spent 25.7 percent. Tulsa’s percentage was about in the middle of the surveyed cities, though it is not possible to draw firm conclusions due to the differences in size, crime rates, poverty rates, total budgets, geography, and other factors.

The Fight for Reparations and Economic Justice in Tulsa

The 1921 “Tulsa Race Riot Commission”

For generations, the 1921 race massacre was absent from Oklahoma history books.¹⁸⁷ It was deliberately covered up and eventually disappeared from the memories of succeeding generations outside the Greenwood and North Tulsa districts.¹⁸⁸ “Oklahoma schools did not talk about it. In fact, newspapers didn’t even print any information about the Tulsa Race Riot,” US Senator James Lankford of Oklahoma said. “It was completely ignored. It was one of those horrible events that everyone wanted to just sweep under the rug and ignore.”¹⁸⁹

In fall 2020, for the first time, the Oklahoma Education Department is adding the 1921 Tulsa race massacre to its curriculum.¹⁹⁰ Over the past several decades, members of Tulsa’s black community, some descendants or relatives of descendants of the massacre, many of them now living in other parts of North Tulsa, and other community leaders, have been mobilizing to memorialize the Greenwood massacre, obtain some measure of justice for the survivors and others harmed, and repair the damage that was done.

When formed in 1997, the 11-member “Tulsa Race Riot Commission” was charged with “developing an historical record of the Tulsa Race Riot,” including identifying witnesses, gathering documents, and obtaining physical evidence.¹⁹¹ They identified 118 survivors and at least another 176 descendants of massacre victims.¹⁹² The report concluded “these were

¹⁸⁷ “Tulsa Race Riot Report,” p. 25-32.

¹⁸⁸ “Tulsa World editorial: North Tulsans need to lead memorials of Tulsa Race Massacre,” *Tulsa World*, May 26, 2019, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-north-tulsans-need-to-lead-memorials-of/article_c2e47b6f-dbc8-5d2d-8b84-a5021cfde4ca.html (accessed May 10, 2020); See also “Tulsa Race Riot Commission,” Final Report, p. 4.

¹⁸⁹ KFOR-TV and K. Querry, “Oklahoma state leaders to roll out new curriculum on Tulsa Race Massacre,” *Oklahoma News 4*, February 19, 2020, <https://kfor.com/hidden-history/oklahoma-state-leaders-to-roll-out-new-curriculum-on-tulsa-race-massacre/> (accessed May 10, 2020).

¹⁹⁰ Zak Cheney-Rice, “Oklahoma Will Require Its Schools to Teach the Tulsa Race Massacre of 1921,” *New York Magazine Intelligencer*, February 21, 2020, <https://nymag.com/intelligencer/2020/02/oklahoma-schools-to-teach-1921-tulsa-massacre.html> (accessed May 21, 2020).

¹⁹¹ Oklahoma Senate Bill 788, enacted November 1, 2001 (amending prior laws establishing the “Tulsa Race Riot Commission”), 48th Leg. (2001), <https://bit.ly/2yjJN43> (accessed May 10, 2020).

¹⁹² “Tulsa Race Riot Report,” p. 6.

not any number of multiple acts of homicide; this was one act of horror ... reparations are the right thing to do.”¹⁹³

The commission recommended that the state legislature, the Governor, the Tulsa mayor, and the city council take the following actions:

- Make direct payment of reparations to riot survivors and descendants;
- Create a scholarship fund available to “students affected by the riot;”
- Establish an economic development enterprise zone in the historic Greenwood district;
- Create a memorial for the riot victims and for the burial of any human remains found in the search for unmarked graves of riot victims.¹⁹⁴

Most of these recommendations have not been realized. To the extent some of them have, they have been mostly funded by private actors. The commission had no legislative authority. Following the release of the commission’s report, Oklahoma state legislators passed the “1921 Tulsa Race Riot Reconciliation Act.”¹⁹⁵ This Act adopted many of the findings of the “Tulsa Race Riot Commission,” recognizing that claims that the massacre was due to a “negro uprising” were incorrect, and acknowledging that a “conspiracy of silence” served the “dominant interests of the state,” which was eager to attract new business and settlers and for which the massacre was a “public relations nightmare.” However, while admitting the commission unearthed “strong evidence that some local municipal and county officials failed to take actions to calm or contain the situation once violence erupted and, in some cases, became participants in the subsequent violence,” and recognizing the state’s “moral responsibilities,” the Act did not admit legal culpability on the part of the state or its citizens.¹⁹⁶ Subsequently, the legislature also created a memorial fund that could receive private and public resources for the purpose of creating a memorial run by the Oklahoma Historical Society,¹⁹⁷ and the Greenwood Area

¹⁹³ “Tulsa Race Riot Report,” p. 16, 20.

¹⁹⁴ “Tulsa Race Riot Report,” p. ii and 19-20.

¹⁹⁵ 1921 Tulsa Race Riot Reconciliation Act of 2001, Okla. Sess. Law Serv. ch. 315 (West) (codified at Okla. Stat. Ann. tit. 74, 8000.1 (3) (2002), <https://bit.ly/36gHnzs> (accessed May 1, 2020).

¹⁹⁶ “1921 Tulsa Race Riot Reconciliation Act of 2001,” 74 Okl. St. § 8000.1.

¹⁹⁷ “Tulsa Race Riot Memorial Transfer of Property—Maintenance,” 74 Okl. St. § 8206, and “Tulsa Race Riot Centennial Memorial Revolving Fund”—deposits, expenditure,” 74 Okl. St. § 8207.

Redevelopment Authority, to “facilitate the redevelopment of the Greenwood area”¹⁹⁸ as well as a scholarship fund,¹⁹⁹ but little public money has been appropriated to maintain those entities.²⁰⁰ None of the legislation provided financial compensation to survivors or descendants of survivors of the massacre.

The Call for Reparations and Legal Justice

The Tulsa Reparations Coalition (TRC) was formed on April 7, 2001,²⁰¹ and led a campaign to seek reparations through a possible lawsuit²⁰² and to convince the government, at minimum, to fully implement the “Tulsa Race Riot Commission’s” recommendations.²⁰³ They received endorsements for their call to action from individuals and organizations across the United States.²⁰⁴

In the fall of 2001, then-Oklahoma Governor Frank Keating rejected the state’s culpability in the massacre and maintained the position that Oklahoma state law prohibited reparations from being administered on the state’s behalf.²⁰⁵ In a letter to the TRC, Governor Keating wrote: “I have carefully reviewed the findings of the Tulsa Race Riot Commission and, contrary to the statement in your letter, I do not believe that it assigns culpability for the riot to the state.”²⁰⁶ The Commission’s report does, in fact, document actions by the National Guard that contributed to the massacre.

¹⁹⁸ “Creation of Greenwood Area Redevelopment Authority,” 74 Okl. St. § 8223.

¹⁹⁹ Tulsa Reconciliation Education and Scholarship Act, 70 Okl. St. §§ 2620-2626.

²⁰⁰ Liz Farmer, “Tulsa Struggles to Make Amends for a Massacre It Ignored for Nearly a Century,” *Governing*, November 2018, <https://www.governing.com/topics/public-justice-safety/gov-tulsa-black-wall-street.html> (accessed May 14, 2020); Adrian Brune, “Tulsa’s Shame,” *The Nation*, February 28, 2002, <https://www.thenation.com/article/archive/tulsas-shame/> (accessed May 14, 2020). Randy Krehbiel, “Land OK’d for race riot memorial museum,” *Tulsa World*, Feb. 22, 2003, https://www.tulsaworld.com/archive/land-okd-for-race-riot-memorial-museum/article_96713b27-79b6-52ef-bf52-f25fa3e12970.html (accessed May 26, 2020); Marie Price, “Senate Roundup: Riot memorial, centennial work funds OK’d,” *Tulsa World*, May 26, 2005, https://www.tulsaworld.com/archive/senate-roundup-riot-memorial-centennial-work-funds-okd/article_ef1513d1-ob96-582e-a6bf-9a510c24aec8.html (accessed May 26, 2020).

²⁰¹ Tulsa Reparations Coalition, “About Tulsa Reparations,” undated, <https://web.archive.org/web/20131213005258/http://tulsareparations.org/TRC.htm> (accessed May 14, 2020).

²⁰² Adrian Brune, “Tulsa’s Shame,” *The Nation*.

²⁰³ Tulsa Reparations Coalition, “TRC Statement of Endorsement,” undated, <https://web.archive.org/web/20140423170245/http://www.tulsareparations.org/endorseTRC.htm> (accessed May 14, 2020); see also Unitarian Universalist Association, “Reparations for the 1921 Tulsa, OK Race Riot – 2001 Action of Immediate Witness,” undated, <https://www.uua.org/action/statements/reparations-1921-tulsa-ok-race-riot> (accessed May 14, 2020).

²⁰⁴ *Ibid.*

²⁰⁵ Adrian Brune, “Tulsa’s Shame,” *The Nation*.

²⁰⁶ *Ibid.*

Subsequently, the TRC enlisted the support of the Reparations Coordinating Committee,²⁰⁷ a group of lawyers seeking to administer legal reparatory justice.²⁰⁸ In 2003, nearly two years after the “Tulsa Race Riot Commission” issued its final report, a legal team—including Charles Ogletree Jr., Johnnie Cochran Jr., and other prominent US civil rights lawyers—sued the city of Tulsa, the Tulsa Police Department, and the state of Oklahoma on behalf of more than 200 survivors and descendants of victims of the 1921 Tulsa Race Massacre.²⁰⁹

Lawyers argued that the survivors and descendants were entitled to “restitution and repair,” for the injuries due to the action or inaction of Tulsa and Oklahoma officials during and following the massacre.²¹⁰ Specifically, they alleged that they had been physically or emotionally injured or that their relatives had been killed, and that they or their relatives, had personal property that was burned, looted, or otherwise destroyed. They held the defendants responsible because they “routinely under-investigated, under-responded, undercharged, mishandled and failed to protect Plaintiffs from a series of criminal acts or prosecute those responsible for such acts.”²¹¹

The US District Court for the Northern District of Oklahoma dismissed the case based on the statute of limitations. The plaintiffs acknowledged that Oklahoma’s two-year statute of limitations for civil actions applied but argued that a “conspiracy of silence” surrounding the massacre and its aftermath delayed the accrual of their claims until issuance of the “Tulsa Race Riot Report” in February 2001.²¹² The court found that extraordinary circumstances sufficient to toll the statute of limitations existed. These included: a limited ability to obtain facts, fear of a repeat of the “riot,” inequities in the justice system, Ku Klux Klan domination in the courts, and the Jim Crow era. However, finding “no comfort or satisfaction in the result,” it held that those circumstances dissipated in the 1960s.²¹³

²⁰⁷ Michael T. Martin and Marilyn Yaquinto, *Redress for Historical Injustices in the United States: On Reparations for Slavery, Jim Crow, and Their Legacies*, (Duke University Press: 2007), p. 13.

²⁰⁸ Emily Newburger, “Breaking the Chain,” *Harvard Law Today*, July 1, 2001, <https://today.law.harvard.edu/feature/breaking-chain/> (accessed April 6, 2020).

²⁰⁹ Randy Krehbiel, “Suit filed for riot survivors,” *Tulsa World*, February 25, 2003, https://www.tulsaworld.com/archive/suit-filed-for-riot-survivors/article_4134547f-8239-5c91-a1a9-febd9ddd756a.html (accessed May 8, 2020).

²¹⁰ Amended Complaint, *Alexander v. Oklahoma*, US District Court Northern District of Oklahoma, filed April 29, 2003, case No. 4:2003-cv-00133, para 2. (on file with Human Rights Watch).

²¹¹ *Alexander v. Oklahoma*, U.S. Dist. LEXIS 5131, at *3 (N.D. Okla. Mar. 19, 2004).

²¹² *Ibid.*, at 24.

²¹³ *Ibid.*, at 31.

Later that year, an appellate court affirmed that opinion, noting that it too took “no great comfort” in the decision, and that sometimes statutes of limitations “make it impossible to enforce what were otherwise perfectly valid claims.”²¹⁴ In 2005, the US Supreme Court declined to hear the case without comment.²¹⁵

Despite these setbacks, descendants of the survivors of the massacre, their relatives, and others, continue to press their claims for justice. Authorities are also taking some steps to address the massacre’s legacy. In 2017, as the 100th year since the Tulsa massacre approached, Tulsa Mayor G.T. Bynum and Oklahoma US Senator Kevin Matthews, announced the formation of the Tulsa Race Massacre Centennial Commission.²¹⁶



Black Wall Street Mural. © Dreisen Heath/Human Rights Watch

²¹⁴*Alexander v. Oklahoma*, 382 F.3d 1206, 1220 (10th Cir. 2004).

²¹⁵*Alexander v. Oklahoma*, 544 U.S. 1044 (2005), cert. denied. See also, Chris Castel and Jay Marks, “Race-riot recourse blocked Supreme Court refuses appeal after decisions,” *The Oklahoman*, May 17, 2005, <https://oklahoman.com/article/2896719/race-riot-recourse-blocked-br-supreme-court-refuses-appeal-after-decisions?> (accessed April 6, 2020); See also, Javier C. Hernandez, “Court Rejects Reparations Case,” *The Harvard Crimson*, May 23, 2005, <https://www.thecrimson.com/article/2005/5/23/court-rejects-reparations-case-the-us/> (accessed April 6, 2020).

²¹⁶Randy Krehbiel, “Tulsa Race Riot Centennial Commission announced,” *Tulsa World*, February 21, 2017.

The Centennial Commission delegated responsibility to five unique committees to develop meaningful initiatives for Greenwood residents;²¹⁷ they worked with Tulsa Public Schools to develop a curriculum on the Tulsa Massacre and sponsored the installation of a Black Wall Street Mural near the Greenwood Cultural Center.²¹⁸ This center, opened in 1995, offers educational and cultural programming, and describes itself as the “keeper of the flame for the Black Wall Street era.”²¹⁹ One of the Centennial Commission’s main projects for the district is the Greenwood Cultural Center’s renovation and expansion.



The Greenwood Cultural Center. © 2019 Dreisen Heath/Human Rights Watch

The Greenwood Rising History Center, originally designed to be constructed next to the Greenwood Cultural Center, will now be built on the corner of Greenwood and Archer,

²¹⁷ Tulsa Race Massacre Centennial Commission, “Committees,” undated, <https://www.tulsa2021.org/committees> (accessed April 7, 2020).

²¹⁸ Tulsa Race Massacre Centennial Commission, “Accomplishments,” undated, <https://www.tulsa2021.org/accomplishments> (accessed April 7, 2020); Samantha Vicent, “Mural near Greenwood Cultural Center honors Black Wall Street,” *Tulsa World*, June 1, 2018, https://www.tulsaworld.com/news/local/mural-near-greenwood-cultural-center-honors-black-wall-street/article_589ad151-5847-502a-9dae-b22583fdd352.html (accessed April 7, 2020).

²¹⁹ Greenwood Cultural Center, “About Us,” 2019, <https://greenwoodculturalcenter.com/about-us> (accessed April 7, 2020).

thanks mostly to private donations (including a land donation), as well as state funding and money from local taxes.²²⁰



Soil collected on the grounds where massacre victim, Greg Alexander, 35, was killed.

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Reverend Robert Turner of the historic Vernon African Methodist Episcopal (AME) church, damaged in the massacre, embarks on a reconciliatory pilgrimage of sorts from Vernon AME to Tulsa City Hall every Wednesday, demanding “reparations now.”²²¹ Turner and others support the reintroduction of a bill, H.R. 98, the John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act, initially introduced in the US House of Representatives in 2013, which would create a new federal cause of action for harms resulting from the deprivation of rights during the Tulsa race massacre or its aftermath against responsible parties for five years following passage

²²⁰ Kevin Canfield, “Greenwood Rising History Center building should be in place by 1921 Tulsa Race Massacre centennial,” *Tulsa World*, March 10, 2020, https://www.tulsaworld.com/news/local/racemassacre/greenwood-rising-history-center-building-should-be-in-place-by-1921-tulsa-race-massacre-centennial/article_0949ec5b-b10c-5812-801b-14a7b1eeco13.html (accessed May 27, 2020): “The commission’s initial goal was to raise \$16 million. The figure has increased to \$30 million, \$21 million of which has already been raised, Armstrong said. That figure includes \$5.34 million approved by voters last year for the cultural center, and \$1.5 million in state funding. The rest of the funding has come from individual, corporate and foundation donations.” See also, Tulsa World Editorial Writers, “Tulsa World editorial: Keep Greenwood Rising History Center in the Greenwood District,” *Tulsa World*, April 27, 2020, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-keep-greenwood-rising-history-center-in-the-greenwood-district/article_0780e429-7ad8-543f-acf5-4e95cf48ad37.html (accessed May 26, 2020); see also Emory Bryan, “Greenwood Rising History Center Gets New Location,” *News 9*, April 29, 2020, <https://www.news9.com/story/5ea9920d8e3f8714b2393844/greenwood-rising-history-center-gets-new-location> (accessed May 21, 2020); see also, BWS Times Staff, “Hille Foundation donates lot for Greenwood Rising History Center,” *Black Wall Street Times*, April 27, 2020, <https://theblackwallstreettimes.com/2020/04/27/hille-foundation-donates-lot-for-greenwood-rising-history-center/> (accessed May 21, 2020).

²²¹ Harrison Grimwood, “‘It is a crime scene’: Demonstrators call for reparations, repentance for 1921 Tulsa Race Massacre,” *Tulsa World*, October 9, 2019, https://www.tulsaworld.com/news/local/racemassacre/it-is-a-crime-scene-demonstrators-call-for-reparations-repentance/article_e4216fff-d87a-5883-b469-daf4b83d6862.html (accessed May 9, 2020); see also, Kimberly Jackson, “Mayor says reparations would divide the city, focuses on development,” *KTUL*.

of the Act.²²² They also support a petition calling on the state to pass legislation to clear legal hurdles to civil lawsuits related to the 1921 massacre.²²³

In May 2021, the Tulsa Community Remembrance Coalition will erect the first comprehensive, public memorial honoring the victims of the 1921 massacre on the grounds of Vernon African Methodist Episcopal (AME) church, which has since been rebuilt.²²⁴ The memorial will be funded entirely by private donations.²²⁵



The Tulsa Community Remembrance Coalition invites community members to collect soil from sites where lynching's took place during the Tulsa Massacre as personal memorials and public witness to these crimes.
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²²² John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2013, H.R.98, 113th Cong. (2003) <https://www.congress.gov/bill/113th-congress/house-bill/98/text> (accessed May 9, 2020).

²²³ Human Rights Watch telephone interview with Reverend Robert Turner, historic Vernon A.M.E. Church, May 18, 2020.

²²⁴ Black Wall Street Memorial: 10,000 Bricks Campaign, home page, undated, <https://www.thatsmybrick.com/blackwallst> (accessed April 7, 2020); Black Wall Street Memorial, home page, undated, <https://blackwallstreetmemorial.com/> (accessed April 7, 2020).

²²⁵ Human Rights Watch telephone interview with Dr. Tiffany Crutcher, Tulsa Community Remembrance Coalition, May 22, 2020. In the recommendations section (see below), Human Rights Watch recommends that the city of Tulsa consider financing the Tulsa Community Remembrance Coalition's privately funded \$3 million campaign to construct Tulsa's first comprehensive memorial or, at minimum, consider donating to the campaign.

In 1998, consultants to the commission began a limited investigation into the potential presence of mass graves at three locations.²²⁶ In 1999, a white man who was 10 at the time of the massacre came forward to say that after the massacre he saw white men digging trenches near one of the three locations, Oaklawn Cemetery, and that when he peeped inside crates nearby he saw the charred bodies of black men.²²⁷ Based on this information, further investigation was authorized but not pursued directly after the commission issued its report.²²⁸ In 2018, after being questioned about a report published in the *Washington Post*,²²⁹ exposing unresolved questions surrounding the massacre and the failure to investigate the existence of mass graves,²³⁰ Mayor Bynum said he would restart it.²³¹ In early 2020, investigators were scheduled to begin excavation in the area of Oaklawn Cemetery but at the time of this writing it had been postponed due to the Covid-19 pandemic.²³²



On Oct. 7, 2019 photo, Kristi Williams, left, and Chief Egunwale Amusan, members of the Mass Graves Public Oversight Committee, view a cemetery map during a search for possible mass burial graves from Tulsa's 1921 Race Massacre at Oaklawn Cemetery in Tulsa, Oklahoma.
© 2019 Mike Simons/Tulsa World via AP

²²⁶ DeNeen L. Brown, "Tulsa mayor reopens investigation into possible mass graves from 1921 race massacre," *Washington Post*, October 3, 2018, https://www.washingtonpost.com/local/tulsa-mayor-reopens-investigation-into-possible-mass-graves-from-1921-race-massacre/2018/10/02/df713c96-c68f-11e8-b2b5-79270f9cce17_story.html (accessed May 9, 2020).

²²⁷ "Tulsa Race Riot Report," p. 130.

²²⁸ DeNeen L. Brown, "They was killing black people," *Washington Post*, September 29, 2018, https://www.washingtonpost.com/news/local/wp/2018/09/28/feature/they-was-killing-black-people/?itid=lk_inline_manual_3 (accessed May 9, 2020);

²²⁹ DeNeen L. Brown, "Tulsa mayor reopens investigation into possible mass graves from 1921 race massacre," *Washington Post*, October 3, 2018, https://www.washingtonpost.com/local/tulsa-mayor-reopens-investigation-into-possible-mass-graves-from-1921-race-massacre/2018/10/02/df713c96-c68f-11e8-b2b5-79270f9cce17_story.html (accessed May 9, 2020).

²³⁰ DeNeen L. Brown, "They was killing black people," *Washington Post*.

²³¹ DeNeen L. Brown, "Tulsa mayor reopens investigation into possible mass graves from 1921 race massacre," *Washington Post*.

²³² "1921 Graves Test Excavation Postponed Amid COVID-19 Threat," *Black Wall Street Times*, March 24, 2020, <https://theblackwallstimes.com/2020/03/24/1921-graves-test-excavation-postponed-amid-covid-19-threat/> (accessed April 3, 2020). See also, Stetson Payne, "Tulsa Race Massacre graves committee meets again tonight," *Tulsa World*, March 2, 2020 https://www.tulsaworld.com/news/local/tulsa-race-massacre-graves-committee-meets-again-tonight/article_8d939dd0-9942-5a2b-979d-ba412do248d3.html#12 (accessed April 3, 2020).

The Tulsa Chamber of Commerce has recently apologized for its actions in the wake of the massacre; it also donated copies of minutes from its 1921 meetings to the Greenwood Cultural Center.²³³

Tulsa's Economic Development Plans

Tulsa has undertaken programs supposedly aimed at revitalizing and developing economic opportunities in the Greenwood area. In 2009, former Tulsa Mayor Kathy Taylor, announced the development of “ONEOK Field,” a minor league baseball stadium, aimed at continuing the “redevelopment of downtown Tulsa and the revitalization of the historic Greenwood District.”²³⁴

Current Tulsa Mayor Bynum is supporting a plan to bring a BMX Olympic arena and headquarters to Greenwood, a plan he says will bring job and other opportunities to black Tulsans in the area.²³⁵ The plan includes significant public funding.²³⁶ When asked about reparations, Mayor Bynum said he prefers to focus attention on the money that the city is putting into building and development of areas near historic Greenwood.²³⁷

But community members do not necessarily agree that this approach will help them. North Tulsa and Greenwood community leaders have raised concerns that businesses and political leaders developing the Greenwood area are not doing enough to preserve black

²³³ “Tulsa World editorial: Tulsa Regional Chamber makes public act of atonement concerning what happened after the 1921 race massacre,” *Tulsa World*, March 29, 2019, https://www.tulsaworld.com/opinion/editorials/tulsa-world-editorial-tulsa-regional-chamber-makes-public-act-of-atonement-concerning-what-happened-after/article_c641afc4-bf10-5be4-94ba-8bd1bbc4b51a.html (accessed May 27, 2020). It describes the Executive Welfare Committee as being part of the Chamber of Commerce.

²³⁴ “ONEOK FIELD IS NAME OF NEW DOWNTOWN TULSA BALLPARK,” January 12, 2009, <https://ir.oneok.com/news-and-events/press-releases/archive/01-12-2009> (accessed April 3, 2020).

²³⁵ City of Tulsa, “USA BMX to Open Headquarters and Facilities in Historic Greenwood District in 2019; Signs Agreement to Stay in Tulsa for Next 30 Years,” archived July 21, 2018, <https://www.cityoftulsa.org/press-room/usa-bmx-to-open-headquarters-and-facilities-in-historic-greenwood-district-in-2019-signs-agreement-to-stay-in-tulsa-for-next-30-years/> (accessed May 9, 2020).

²³⁶ Kevin Canfield, “After delays, city to break ground on BMX facilities Friday,” *Tulsa World*, November 11, 2019, https://www.tulsaworld.com/news/local/government-and-politics/after-delays-city-to-break-ground-on-bmx-facilities-friday/article_da277d83-98a2-512d-8f64-8a22dd174792.html (accessed May 9, 2020).

²³⁷ Kimberly Jackson, “Mayor says reparations would divide the city, focuses on development,” *KTUL*, February 20, 2020. https://ktul.com/news/local/mayor-says-reparations-would-divide-the-city-focuses-on-development?fbclid=IwAR3PAof5SkkkITSooB8_YkXqWNaqwTdWTT5C5glmDrwOHBPxJWh1vQS_bEnx5Y (accessed May 9, 2020).

culture in the historic area,²³⁸ making it unaffordable for many black Tulsans, and not prioritizing economic opportunities for them.²³⁹ J. Kavin Ross, from the *Oklahoma Eagle Newspaper*, a black-owned publication that has been located in Greenwood since 1936, described survivors and descendants having to withstand the legacy of displacement in Tulsa, especially in Greenwood.²⁴⁰ “With gentrification—we say, now you want to take an interest in Greenwood and pimp our history? And you are going to build these apartments down here, and you know darn well we are not going to spend \$1,000 for a closet room,” Ross said. “We will never be able to afford to live in Greenwood.”²⁴¹

According to data analysis by the Institute on Metropolitan Opportunity at the University of Minnesota Law School (see below), there are net declines in low-income populations (at or below 200 percent of the federal poverty line), as well as the black population, in the historic Greenwood district, downtown Tulsa, and surrounding areas a little further north and east—including the Tulsa Arts and Blue Dome districts.²⁴² The analysis also shows areas further north and east in Tulsa have higher concentrations of low-income people.²⁴³ The data suggests that Greenwood’s residents are being displaced to areas further from downtown and out of the historic Greenwood District.²⁴⁴

²³⁸ Nate Morris, “Tulsa’s Black History Being Erased? Concern grows over the rapid gentrification of Greenwood,” *Black Wall Street Times*, February 26, 2019, <https://theblackwallsttimes.com/2019/02/26/tulsas-black-history-being-erased-concern-grows-over-the-rapid-gentrification-of-greenwood/> (accessed May 9, 2020).

²³⁹ Kendrick Marshall, “‘Signs of Gentrification’: Greenwood community worries residents being pushed out, history disrespected,” *Tulsa World*, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out-history-disrespected/article_267776fe-ac92-57ef-ao48-5e1eoc72ae8o.html (accessed May 9, 2020); DeNeen L. Brown, “‘They was killing black people,’” *Washington Post*; Nate Morris, “Tulsa’s Black History Being Erased? Concern grows over the rapid gentrification of Greenwood,” *Black Wall Street Times*.

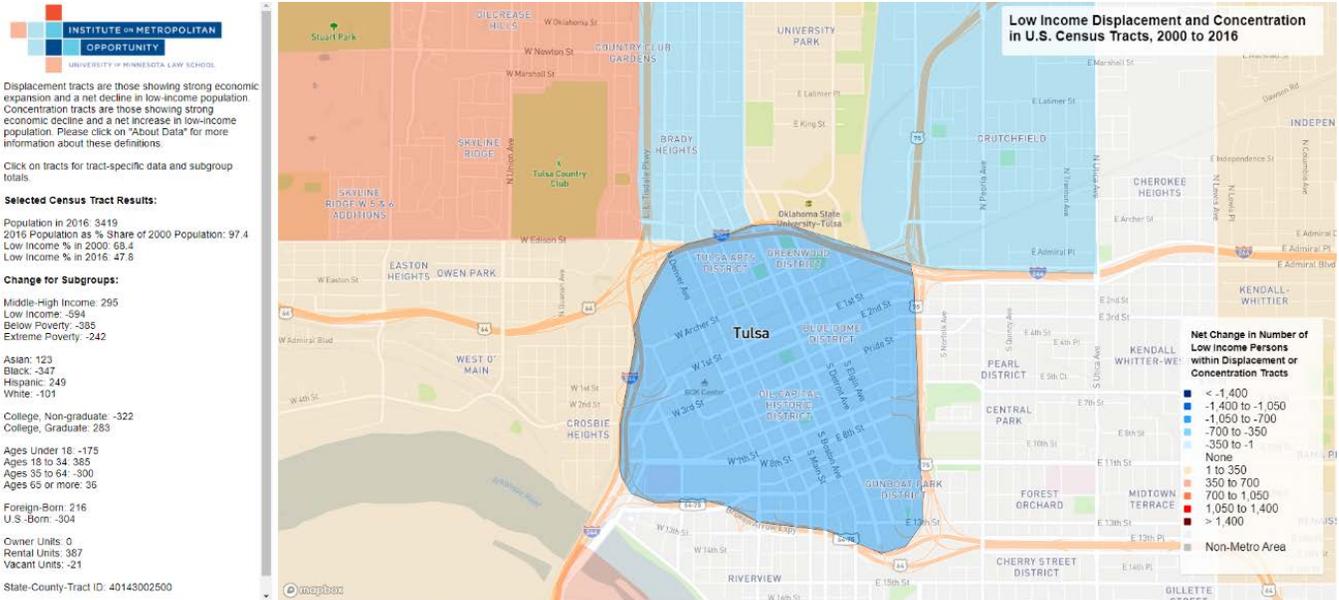
²⁴⁰ DeNeen L. Brown, “‘They was killing black people,’” *Washington Post*.

²⁴¹ *Ibid.*

²⁴² “Low Income Displacement and Concentration in U.S. Census Tracts, 2000 to 2016,” Institute on Metropolitan Opportunity, University of Minnesota Law School, 2019, <https://myottetm.github.io/USMapBoxIMO/USLwDispConc.html> (accessed May 3, 2020); see also more information regarding the study, “American Neighborhood Change in the 21st Century: Gentrification and Decline,” Institute on Metropolitan Opportunity, University of Minnesota Law School, 2019, <https://www.law.umn.edu/institute-metropolitan-opportunity/gentrification> (accessed May 27, 2020).

²⁴³ *Ibid.*

²⁴⁴ *Ibid.*



This map shows greater net change in displacement of low-income populations in Greenwood, suggesting it is getting more expensive to live there, and greater net change in concentration of low-income populations in parts of north Tulsa.

© 2019 Institute on Metropolitan Opportunity, University of Minnesota Law School

Ricco Wright, owner of the Black Wall Street Gallery near historic Greenwood,²⁴⁵ said the new coffee shops, boutiques, and new cycling studio, are examples of “gentrification that has infringed upon the Greenwood District over the years and slowly robbed the area of its once proud African American history.”²⁴⁶

In 2019, hundreds of residents attended a meeting at which city council members discussed recent development plans for North Tulsa—labeled the “Greenwood-Unity Heritage Neighborhoods Sector Urban Renewal Plan” —that apparently included plans to take some property in the area by eminent domain.²⁴⁷ So many people showed up for the meeting that Fire Marshals prevented people from entering as they would have exceeded

²⁴⁵ Dr. Ricco Wright, website, undated, <https://riccowright.com/> (accessed May 3, 2020).

²⁴⁶ Kendrick Marshall, “‘Signs of Gentrification’: Greenwood community worries residents being pushed out, history disrespected,” *Tulsa World*, June 6, 2019, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out/article_267776fe-ac92-57ef-a048-5e1e0c72ae80.html (accessed March 28, 2020).

²⁴⁷ Chad Neal, “Tulsa North Showed Up and Spoke Adamant Against TDA’s Plan In The City’s Urban Renewal Plan,” *Oklahoma Eagle*, March 29, 2019, <http://theoklahomaeagle.net/2019/03/29/tulsa-north-showed-up-and-spoke-adamant-against-tdas-plan-in-the-citys-urban-renewal-plan/> (accessed May 21, 2020).

the building's 217-person capacity. Scores of angry residents stood in the lobby outside the chamber, and crowds remained outside the doors of city hall itself.²⁴⁸ North Tulsa residents expressed opposition to the city's amended plans to use eminent domain to seize their property, displacing residents.²⁴⁹

Brenda Nails-Alford, a resident of North Tulsa who attended the meeting, said that her ancestors lost their property in the 1921 race massacre and, again, during urban renewal efforts. She said she feared being displaced from her current home: "as a third-generation to uphold it, I am very, very upset that [the Tulsa Development Authority] want[s] to take it," she said. "It is the one thing that you left us, and we will not give it up."²⁵⁰

After the meeting, the Tulsa Development Authority (TDA) suspended its plans.

The Greenwood Chamber of Commerce, a local non-profit organization, is trying to raise \$1 million to preserve the last 10 buildings of the original Black Wall Street on Greenwood Avenue.²⁵¹ The National Park Service recently awarded the non-profit \$500,000 toward their fundraising goal as a part of their grant initiative to preserve black sites and history across the United States.²⁵²

However, in 2018, members of the Black business community established the Black Wall Street Chamber of Commerce (BWSCC) as an alternative to the Greenwood Chamber of Commerce, which they felt was not meeting their needs.²⁵³ Founders also aimed to bolster

²⁴⁸ Ibid.

²⁴⁹ Chad Neal, "Tulsa North Showed Up and Spoke Adamant Against TDA's Plan In The City's Urban Renewal Plan," *Oklahoma Eagle*, March 29, 2019, <http://theoklahomaeagle.net/2019/03/29/tulsa-north-showed-up-and-spoke-adamant-against-tdas-plan-in-the-citys-urban-renewal-plan/> (accessed May 21, 2020).

²⁵⁰ Chad Neal, "Tulsa North Showed Up and Spoke Adamant Against TDA's Plan In The City's Urban Renewal Plan," *Oklahoma Eagle*.

²⁵¹ CNN Wire, "A group in Tulsa hopes to rebuild 'Black Wall Street,' destroyed in a bloody 1921 race massacre," *Fox 61*, January 14, 2020, <https://www.fox61.com/article/news/a-group-in-tulsa-hopes-to-rebuild-black-wall-street-destroyed-in-a-bloody-1921-race-massacre/520-21568b09-c83d-4e3c-baf2-30f9b226de9> (accessed May 2, 2020); Chris Polansky, "Greenwood District Nonprofit Receives \$500K Federal Grant In Advance Of Race Massacre Centennial," *Public Radio Tulsa*, April 8, 2020, <https://www.publicradiotulsa.org/post/greenwood-district-nonprofit-receives-500k-federal-grant-advance-race-massacre-centennial> (accessed May 2, 2020).

²⁵² National Park Service, press release, "National Park Service Announces \$14 Million in Grants to Preserve African American Civil Rights," April 6, 2020, <https://www.nps.gov/orgs/1207/04-06-2020-nps-announces-african-american-civil-rights-grants.htm> (accessed May 2, 2020).

²⁵³ BWS Times Staff, "Sherry Gamble-Smith and the Black Wall Street Chamber of Commerce," *Black Wall Street Times*, September 9, 2019,

restoration was left in the hands of massacre survivors nearly 100 years ago and today their descendants and other community members are left fighting to preserve what is left.

Thus far, the city's recent development efforts have fallen short of delivering on promises of economic benefits for Tulsa's black citizens. Without significant and concrete actions and investment, informed by the community's wishes, to repair the cumulative losses of the black community in Tulsa, the legacy of the massacre and its aftermath will persist.

International Human Rights Law and Past Reparations

Examples

Right to an Effective Remedy and the Tulsa Race Massacre

The United States is a party to the International Covenant on Civil and Political Rights (ICCPR) and the International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), both of which guarantee the right to an effective remedy for human rights violations, including acts of racial discrimination.²⁵⁸

This right requires that governments ensure access to justice, truthful information about the violation, and reparation.²⁵⁹

Victims of gross violations of human rights, like the Tulsa Race Massacre, should receive full and effective reparations that are proportional to the gravity of the violation and the harm suffered.²⁶⁰ The failure to provide such a remedy itself does continuing harm. As noted in the preamble to the United Nations Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, “in honouring the victims’ right to benefit from remedies and reparation, the international community keeps faith with the plight of victims, survivors and future human generations and reaffirms the international legal principles of accountability, justice and the rule of law.”²⁶¹

Reparation includes the following:

²⁵⁸ International Covenant on Civil and Political Rights (ICCPR), adopted December 16, 1966, G.A. Res. 2200A (XXI), 21 U.N. GAOR Supp. (No. 16) at 52, U.N. Doc. A/6316 (1966), 999 U.N.T.S. 171, entered into force March 23, 1976, ratified by the United States September 8, 1992, art. 2, and International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, G.A. Res. 2106 (XX), annex, 20 U.N. GAOR Supp. (No. 14) at 47, U.N. Doc. A/6014 (1966), 660 U.N.T.S. 195, entered into force January 4, 1969, ratified by the United States November 20, 1994, art. 6. UN Human Rights Committee, General Comment No. 31: The Nature of the General Legal Obligation on States Parties to the Covenant (Eightieth session, 2004), U.N. Doc. CCPR/C/21/Rev.1/Add.13 (2004), para. 15.

²⁵⁹ UN Human Rights Committee, General Comment No. 31, paras 15 et seq; “Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law,” General Assembly Resolution 60/147 of 16 December 2005, <https://www.ohchr.org/en/professionalinterest/pages/remedyandreparation.aspx> (accessed May 27, 2020) (hereinafter “Basic Principles”), para. 11.

²⁶⁰ Basic Principles, para. 18.

²⁶¹ Basic Principles, Annex, preamble.

- **Restitution:** measures to restore the situation that existed before the wrongful act(s) were committed, such as restoration of liberty, employment and return to the place of residence and return of property.²⁶²
- **Compensation:** monetary payment for “economically assessable damage” arising from the violation, including physical or mental harm, material losses, and lost opportunities.²⁶³
- **Rehabilitation:** provision of “medical and psychological care as well as legal and social services.”²⁶⁴
- **Satisfaction:** includes a range of measures involving truth-telling, statements aimed at ending ongoing abuses, commemorations or tributes to the victims, and expressions of regret or formal apology for wrongdoing.²⁶⁵
- **Guarantees of non-repetition:** includes institutional and legal reform as well as reforms to government practices to end the abuse.²⁶⁶

States should “provide reparation to victims for acts or omissions which can be attributed to the State and constitute gross violations of international human rights law.”²⁶⁷

The Tulsa Race Massacre and surrounding events led directly to the loss of hundreds of lives, loss of liberty, substantial personal and business property loss, and damage to objects of cultural significance. Compounding inequalities stemming from the massacre led to lower life expectancy, increased need for mental health services, loss of economic opportunity, and other harms to community members over decades.

Yet the victims of the massacre have yet to receive an effective remedy.

Existing judicial mechanisms have failed to provide that remedy in part due to the statute of limitations. But international human rights standards provide that such statutes of limitations should not be unduly restrictive—applying a statute of limitations to limit remedies in cases of gross violations of human rights is particularly problematic.²⁶⁸

²⁶² See Basic Principles, para. 19.

²⁶³ *Ibid.*, para. 20.

²⁶⁴ *Ibid.*, para. 21.

²⁶⁵ *Ibid.*, para. 22.

²⁶⁶ *Ibid.*, para. 23.

²⁶⁷ *Ibid.*, para. 15.

²⁶⁸ *Ibid.*, paras 6 and 7.

The local and state governments have also failed to provide effective remedies to the victims for the harm suffered due to the government’s role in the massacre, as provided by international standards.²⁶⁹ To the contrary, the “Tulsa Race Riot Commission” report, as well as other sources, document numerous instances where city and state officials intentionally blocked social and economic restoration efforts in the aftermath of the massacre for black Tulsans in North Tulsa, including Greenwood.

In situations where those responsible cannot or will not provide reparation, governments—in this case including the US government—should endeavor to establish reparation programs and support victims.²⁷⁰

According to the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and racial intolerance, “...historical violations continue [] to impede the enjoyment of human rights.”²⁷¹

This has been the case in Tulsa, where the massacre and surrounding events set the stage for decades of systematic disinvestment in Greenwood and North Tulsa’s black and poor communities. Black and low-income people in Tulsa do not maintain an adequate standard of living and “reinvestment” efforts near and around the Greenwood area have contributed to the decline of social services, employment opportunities, affordable housing, access to medical care, and adequate access to food for black and low-income people who reside there.

²⁶⁹ *Ibid.*, para 15.

²⁷⁰ *Ibid.*, para 16 (“[National governments] should endeavor to establish national programmes for reparation and other assistance to victims in the event that the parties liable for the harm suffered are unable or unwilling to meet their obligations.”).

²⁷¹ United Nations General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262, August 21, 2019, <https://undocs.org/A/74/321>, (accessed May 27, 2020), para. 26.

The US federal government as well as state and local governments have made reparations in the past to victims of human rights violations.²⁷² The state of Florida issued reparations for survivors of a massacre²⁷³ similar to Tulsa’s, as well as to their descendants.

Reparations for Slavery

The victims of the Tulsa Race Massacre deserve access to an effective remedy for the harms they have suffered. At the same time, it is important that the United States go beyond reparations in this specific case.

The Tulsa Race Massacre occurred in a context of systemic racism rooted in the US history of slavery, segregation, discrimination, oppression, and violence against black people. The massacre compounded the existing inequality in the system, doing devastating harm to

²⁷² Survivors of the 1923 Rosewood Race Massacre, and their heirs (who received a scholarship fund), became the first group of victims of a racial massacre in the US to be compensated for their material losses. Jerry Fallstrom, “Senate Oks \$2.1 Million for Rosewood Reparations,” April 9, 1994 <https://www.sun-sentinel.com/news/fl-xpm-1994-04-09-9404080701-story.html> (accessed April 3, 2020); Robert Samuels, “After reparations: How a scholarship helped – and didn’t help – descendants of victims of the 1923 Rosewood racial massacre,” *Washington Post*, April 3, 2020, <https://www.washingtonpost.com/graphics/2020/national/rosewood-reparations/> (accessed April 7, 2020). During World War II, the US relocated and detained more than 110,000 citizens and non-citizens of Japanese ancestry in various locations in the US. Through the Civil Liberties Act of 1988, the federal government gave each surviving detainee \$20,000 in compensation: Human Rights Watch, No More Excuses: A Roadmap to Justice for CIA Torture, https://www.hrw.org/sites/default/files/report_pdf/us1215web.pdf, pp. 105-106. See also Civil Liberties Act of 1988, 50 App. U.S.C. § 1989(a) and 1989b-4(a)(1); Michael Isikoff, “Delayed Reparations and An Apology,” *Washington Post*, October 10, 1990, <https://www.washingtonpost.com/archive/politics/1990/10/10/delayed-reparations-and-an-apology/bed88529-ba5d-41de-a913-48362ec779bc/> (accessed April 7, 2020). In 2015, Chicago, Illinois approved a reparations package for victims of a police torture ring led by police commander John Burge from the 1970s through the early 1990s. The package included financial compensation, counseling services, free tuition at Chicago’s city colleges, plans for a memorial, and other social programming: Peter C. Baker, “In Chicago, reparations aren’t just an idea. They’re the law,” *The Guardian*, March 8, 2019, <https://www.theguardian.com/news/2019/mar/08/chicago-reparations-won-police-torture-school-curriculum> (accessed April 7, 2020). There are multiple international examples of countries establishing reparations programs for gross or systematic human rights violations or violations of international humanitarian law, as well as reparations ordered by international tribunals in specific cases. In 1952, Germany agreed to pay reparations to victims of the Holocaust during World War II for genocide, displacement, and other atrocities under Nazi rule. Claims are still being processed today. “The Reparations Agreement of 1952 and the response in Israel,” The National Library of Israel, undated, <https://web.nli.org.il/sites/NLI/English/collections/personalsites/Israel-Germany/Division-of-Germany/Pages/Reparations-Agreement.aspx> (accessed April 7, 2020). In Peru, 20 years of internal armed conflict and repression from 1980 to 2000 resulted in mass killings and internal displacement, arbitrary detention, sexual violence, torture and the forced recruitment of children. Following the recommendation of the country’s Truth Commission, the government provided financial compensation to thousands of people for these wrongs, though the program has been criticized as inadequate in various respects. Cristian Correa, “Reparations in Peru: From Recommendations to Implementation,” International Center for Transitional Justice, June 2013, https://www.ictj.org/sites/default/files/ICTJ_Report_Peru_Reparations_2013.pdf (accessed April 7, 2020). For more examples of global reparatory justice, see here: <https://www.ictj.org/our-work/transitional-justice-issues/reparations>.

²⁷³ Maxine D. Jones, Larry E. Rivers, David R. Colburn, Tom Dye, and William W. Rogers, “Documented History of the Incident Which Occurred at Rosewood Florida, in January 1923,” *RememberingRosewood.org*, December 22, 1993, <https://rememberingrosewood.org/rosewoodrp.php> (accessed April 7, 2020).

the community, which, despite periods of regeneration and renewal, has never fully recovered—both due to the lack of any meaningful effort to remedy the harm, and because of ongoing systemic racism.

Before the abolishment of the international slave trade in 1808,²⁷⁴ 400,000 Africans were sold into the United States.²⁷⁵ The people killed in the 1921 Tulsa Race Massacre were only some of the thousands of those killed in racial terror lynchings that took place in the US between the end of Reconstruction in 1877 and 1950. According to a report by the Equal Justice Initiative (EJI), an estimated 4,300 racial terror lynchings took place during that time,²⁷⁶ including those that occurred during the 1921 Tulsa Race Massacre.²⁷⁷ In the year 1919 alone, more than two dozen different incidents of racially motivated violence took place.²⁷⁸ Even following the enactment of the emancipation proclamation in 1863, many US cities and states, including in the north, implemented laws and policies that legalized racial segregation and stripped Black people of their rights.²⁷⁹

The US government has never adequately accounted for these wrongs or the subsequent 20th century policy decisions that resulted in the structural racism, economic, education, and health inequalities, housing segregation, and discriminatory policing policies and practices, described above, that exists today.²⁸⁰

²⁷⁴ Eric Foner, “Forgotten Step Toward Freedom,” *New York Times*, December 30, 2007, <https://www.nytimes.com/2007/12/30/opinion/30foner.html> (accessed May 25, 2020).

²⁷⁵ Nikole Hannah-Jones, “Our democracy’s founding ideals were false when they were written. Black Americans have fought to make them true,” *New York Times*, August 14, 2019, <https://www.nytimes.com/interactive/2019/08/14/magazine/black-history-american-democracy.html> (accessed May 25, 2020).

²⁷⁶ “Lynching in America: Confronting the Legacy of Racial Terror,” The Equal Justice Initiative, 2017, <https://eji.org/wp-content/uploads/2019/10/lynching-in-america-3d-ed-080219.pdf> (accessed May 16, 2020), p. 4.

²⁷⁷ *Ibid.*, p. 46. When counting the number of blacks killed during the Tulsa Race Massacre and adding that to the total number of “racial terror lynchings,” during this period, the EJI report uses the number 36. But it notes in its report that “at least 36,” had died and that the number varies greatly among sources from 36 to 300. See “Lynching in America: Oklahoma,” Equal Justice Initiative, <https://lynchinginamerica.eji.org/explore/oklahoma>, and *Ibid.*, p. 46, n. 188.

²⁷⁸ Tulsa Race Massacre Report, p. 43; Johnson, pp. 27-28.

²⁷⁹ History.com, “Jim Crow Laws,” updated February 21, 2020, <https://www.history.com/topics/early-20th-century-us/jim-crow-laws> (accessed May 16, 2020); National Geographic, “The Black Codes and Jim Crow Laws,” undated, <https://www.nationalgeographic.org/encyclopedia/black-codes-and-jim-crow-laws/> (accessed May 16, 2020).

²⁸⁰ In a rare move in the United States, in November 2019, the city legislature of Evanston, Illinois passed a resolution committing to a Reparations Fund to address their legacy of harmful inequalities. As part of the City’s 2020 budget, Evanston will levy a cannabis tax for a resident reparations fund: “Reparations,” City of Evanston, undated, <https://www.cityofevanston.org/government/city-council/reparations> (accessed April 7, 2020).

Human Rights Watch has long supported reparations to address the brutality of slavery and historical racist laws that set different rules for Black people and white people.²⁸¹

Article 6 of the International Convention on the Elimination of All Forms of Discrimination (ICERD), establishes the right to remedy and to seek adequate reparation for acts of racial discrimination like slavery and the many crimes against Black people that have followed from it in the United States.²⁸²

But governments are also independently obligated to address structural discrimination. The UN Committee on the Elimination of Racial Discrimination, the UN body that interprets the ICERD and monitors compliance with it, has noted that “racism and racial discrimination against people of African descent are expressed in many forms, notably structural and cultural.”²⁸³

The committee added that this structural discrimination, rooted in slavery, is:

[E]vident in the situations of inequality affecting them and reflected, inter alia, in the following domains: their grouping, together with indigenous peoples, among the poorest of the poor; their low rate of participation and representation in political and institutional decision-making processes; additional difficulties they face in access to and completion and quality of education, which results in the transmission of poverty from generation to generation; inequality in access to the labour market; limited social recognition and valuation of their ethnic and cultural diversity; and a disproportionate presence in prison populations.²⁸⁴

States are obligated under ICERD to overcome this structural discrimination, including through “special measures” such as affirmative action.²⁸⁵ Also, states are obligated to

²⁸¹ Human Rights Watch, “An Approach to Reparations,” July 19, 2001, <https://www.hrw.org/news/2001/07/19/approach-reparations>.

²⁸² International Convention on the Elimination of All Forms of Racial Discrimination (ICERD), adopted December 21, 1965, GA Res. 2106 (XX), annex, 20 UN GAOR Supp. (No. 14) at 47, UN Doc. A/6014 (1966), 660 UNTS 195, entered into force January 4, 1969, ratified by the United States on November 20, 1994, art. 6.

²⁸³ UN Committee on the Elimination of Racial Discrimination, General Comment 34, <https://www.refworld.org/docid/4ef19d592.html> (accessed May 27, 2020), para 5.

²⁸⁴ UN Committee on the Elimination of Racial Discrimination, General Comment 34, <https://www.refworld.org/docid/4ef19d592.html> (accessed May 27, 2020), para 6.

²⁸⁵ *Ibid.*, para 7.

“[t]ake steps to remove all obstacles that prevent the enjoyment of economic, social and cultural rights by people of African descent especially in the areas of education, housing, employment and health.”²⁸⁶

As noted by the UN special rapporteur on contemporary forms of racism, racial discrimination, xenophobia, and racial intolerance in an August 2019 report to the UN General Assembly, “reparations for slavery and colonialism include not only justice and accountability for historic wrongs, but also the eradication of persisting structures of racial inequality, subordination and discrimination that were built under slavery and colonialism to deprive non-whites of their fundamental human rights.”²⁸⁷ In that sense, “reparations concern both our past and our present.”²⁸⁸

The UN Working Group of Experts on People of African Descent also stated, upon the conclusion of a visit to the United States, that “past injustices and crimes against African Americans need to be addressed with reparatory justice.”²⁸⁹

Reparations should be based not just on past harms but on contemporary ones too—the question is how to do so fairly, timely, and equitably.²⁹⁰

At the national level, Human Rights Watch supports House Resolution (H.R.) 40,²⁹¹ which proposes creating a commission to study the impacts of slavery and make recommendations around “apology and compensation.”²⁹² This bill—titled “40” as a

²⁸⁶ *Ibid.*, para 50.

²⁸⁷ United Nations General Assembly, Report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, Tendayi Achiume, prepared pursuant to General Assembly resolution 73/262, August 21, 2019, <https://undocs.org/A/74/321>, (accessed May 27, 2020), paras. 7 and 8.

²⁸⁸ *Ibid.*, para. 8.

²⁸⁹ “Statement to the media by the United Nations’ Working Group of Experts on People of African Descent, on the conclusion of its official visit to USA,” UN Press Release, January 29, 2016,

<https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=17000&LangID=E> (accessed April 7, 2020). The Working Group also made a series of other recommendations concerning racial disparities in incarceration rates, discipline in schools, and access to health care, food, water and housing.

²⁹⁰ Human Rights Watch, “An Approach to Reparations,” July 19, 2001, <https://www.hrw.org/news/2001/07/19/approach-reparations>.

²⁹¹ Commission to Study and Develop Reparation Proposals for African-Americans Act, H.R. 40, 116th Cong. (2019), <https://www.congress.gov/bill/116th-congress/house-bill/40> (accessed April 7, 2020).

²⁹² Dreisen Heath, “US Congress Can Help Heal the Wounds of Slavery,” Human Rights Watch dispatch, June 19, 2019 <https://www.hrw.org/news/2019/06/19/us-congress-can-help-heal-wounds-slavery>.

reminder of the never-fulfilled promise made to free slaves to give each “40 acres and a mule” after the signing of the Emancipation Proclamation²⁹³—has been circulating in Congress for the past 30 years. It has never been voted out of the House Judiciary Committee, where it has been introduced, but support for it is growing, demonstrated by the long list of co-sponsors, now at 126, all but one of them signing on in the last year.²⁹⁴ The US Congress should pass H.R. 40, and the president should sign it into law.

²⁹³ See Special Field Order No. 15, General William T. Sherman, 1865, <https://www.blackpast.org/african-american-history/special-field-orders-no-15/> (accessed April 23, 2020).

²⁹⁴ Commission to Study and Develop Reparation Proposals for African-Americans Act, H.R. 40, 116th Cong. (2019), see list of co-sponsors: <https://www.congress.gov/bill/116th-congress/house-bill/40/cosponsors?searchResultViewType=expanded&KWICView=false>.

Recommendations

The recommendations below to the Tulsa, Oklahoma, and US governments are primarily focused on the need for proportionate and prompt reparations for the massacre and its aftermath. However, they also touch upon broader reparations for slavery, and the obligation of governments to address ongoing structural racism.

Reparations for the Tulsa Race Massacre

The “Tulsa Race Riot Commission” made its recommendations to the state of Oklahoma and the city of Tulsa nearly 20 years ago, but they have yet to be fully implemented. The longer harms go unaddressed, the more difficult and complex it will be to develop adequate reparation mechanisms that are proportionate to the gravity of the crime and to the harm caused.

To the US Congress

Statute of Limitations

A member of the US Congress should reintroduce, and Congress should pass, legislation to clear the legal hurdle that the statute of limitations poses to the assertion of civil claims related to the Tulsa race massacre and its aftermath.²⁹⁵

To State and Local Authorities

Immediate Compensation to Survivors

At the time of writing,²⁹⁶ Viola Fletcher, residing in Bartlesville, Oklahoma, who just celebrated her 106th birthday,²⁹⁷ and Lessie Benningfield Randle, aged 105, living in Tulsa were the only known living survivors of the 1921 Tulsa Race Massacre living in Oklahoma. Neither they nor any descendants of survivors have ever received any restitution or compensation for the harm they suffered. A coalition of local organizations, including the Terence Crutcher Foundation, the Gathering Place, Revitalize T-Town, and other community

²⁹⁵ A previous bill, H.R.98 - John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2013, 113th Cong. (2013), would have done this by creating a new civil cause of action. See electronic bill text: <https://www.congress.gov/bill/113th-congress/house-bill/98>.

²⁹⁶ Human Rights Watch telephone interview with Damario Solomon Simmons, civil rights attorney, May 20, 2020.

²⁹⁷ Gustavo Olguin, “Bartlesville woman celebrates 106th birthday with surprise car parade,” *KTUL*, May 10, 2020, <https://ktul.com/news/local/bartlesville-woman-celebrates-106th-birthday-with-surprise-car-parade> (accessed May 25, 2020).

members, recently restored Randle’s home in North Tulsa, but the project was paid for entirely out of private funds.²⁹⁸

Given Fletcher and Randle’s advanced age, the city and state governments should immediately take steps to provide reparation to them, including in the form of direct compensation and acts to recognize, memorialize, and apologize for the harm done.

Statute of Limitations

A member of the Oklahoma legislature should introduce, and the legislature should pass, legislation that would clear the legal hurdle that the Oklahoma statute of limitations now poses to civil claims related to the massacre and its aftermath. In addition, the state of Oklahoma and city of Tulsa should commit not to assert any statute of limitations defense in any claims brought against them in connection with the massacre so that the claims can be heard on the merits.

Recovery of Remains

State and local authorities should continue and fund the investigation into the existence of mass graves currently underway, recover, and identify the remains.

Promptly Develop and Implement a Comprehensive Reparations Plan

State and local authorities should move promptly to develop a comprehensive reparations plan, in close consultation with survivors, descendants, and community members affected by the massacre, that is based on the recommendations of the “Tulsa Race Riot Commission” report and responsive to developments in the last 20 years. Such a plan should include, as the commission recommended, direct payments to massacre survivors and their descendants. It should also include measures to further rehabilitation, truth-telling, and guarantees of non-repetition.

In designing such a plan, state and local authorities could consider the following measures, some of which community members have recommended:

Rehabilitation, Medical Benefits, and Burial Services

²⁹⁸ Stetson Payne, “‘Like a queen’: 105-year-old race massacre survivor’s north Tulsa home gets restored,” *Tulsa World*, March 9, 2020, https://www.tulsaworld.com/news/like-a-queen-105-year-old-race-massacre-survivors-north-tulsa-home-gets-restored/article_83c59e13-2b1a-59b6-b65a-fe0c29eb4956.html (accessed May 21, 2020).

Authorities could offer rehabilitation for survivors and descendants, including free trauma-informed care as a result of the generational impacts of the massacre. The city of Tulsa could work with the Oklahoma Department of Health to issue lifetime medical benefits and burial services to all living survivors and descendants residing in Greenwood and North Tulsa.

Educational Benefits and Scholarships

The city and state should consider substantially expanding the limited existing scholarship award program.²⁹⁹ One option would be to offer descendants of the massacre and students in the Greenwood and North Tulsa area tuition-free enrollment, especially at the two universities, that appear to have been built through the accumulation of North Greenwood property through urban renewal, Oklahoma State University-Tulsa and Langston University-Tulsa.³⁰⁰ Authorities could also establish, with public funding, in consultation with the Tulsa African Ancestral Society, a birthright program, a free ten-day heritage trip to Africa, for descendants who want to deepen their historical and cultural connection to the African continent.

Economic Development and Investment in the Affected Community

²⁹⁹ The Tulsa Race Massacre Commission recommended the establishment of a scholarship fund and following passage of the Tulsa Race Riot Reconciliation Act in 2001, dependent on available funding. One was established to give a limited number of students each year an award of \$1,000 to be used at any Oklahoma college or post-secondary career technology center. Tulsa Reconciliation Scholarship Program, <https://resources.finalsite.net/images/v1583442482/tulsaschoolsorg/zco82xpcndsowwggqd7a/TulsaReconciliationScholarshipNominationForm.pdf> (accessed May 16, 2020); see also “Oklahoma Regents for Higher Education Tulsa Reconciliation Scholarship Program: Nomination Information for 2020-21,” <https://resources.finalsite.net/images/v1583442481/tulsaschoolsorg/ksyyt9zrlinsaoqpn6h2/TulsaReconciliationScholarshipInformation.pdf> (accessed May 16, 2020). (According to the scholarship nomination form, each year the Oklahoma Regents for Higher Education award two students at each of the eleven Tulsa high schools with a one-time \$1,000 scholarship. Between May 21, 2020 and May 28, 2020 Human Rights Watch attempted to speak and correspond with Oklahoma Regents Scholarships Coordinator, Linette McMurtrey, to determine how much money had been appropriated for the scholarship program and how many scholarships were awarded each year since the start of the program but were unsuccessful in getting a response before publication of the report.)

³⁰⁰ Kendrick Marshall, “‘Signs of Gentrification’: Greenwood community worries residents being pushed out, history disrespected,” *Tulsa World*, https://www.tulsaworld.com/news/local/racemassacre/signs-of-gentrification-greenwood-community-worries-residents-being-pushed-out-history-disrespected/article_267776fe-ac92-57ef-ao48-5e1e0c72ae80.html (accessed May 9, 2020); Johnson, *Black Wall Street*, p. 120 (Oklahoma State University now occupies the site on which the original Booker T. Washington High School in Greenwood sat before the massacre ... “This tie to Tulsa’s African-American history did not go unnoticed. Today, only two streets run through the (“Oklahoma State University campus – Greenwood Ave. and John Hope Franklin Boulevard.”); “Tulsa Race Riot Report,” p. 147 (“urban renewal and the accumulation of North Greenwood property for the highway and Rogers State University (Now OSU-Tulsa), create a gap in the records of property and cause old addresses, legal and otherwise, do not display on the county clerk computer system.”).

There is great concern in Tulsa’s black community that existing economic development initiatives are not benefiting its members and may even cause further harm. Authorities should develop any plans in close consultation with community members.

Among other options, authorities could consider establishing a business development fund for black residents in Greenwood and North Tulsa and ensuring administration and decision-making for the fund includes leaders from the target communities, and includes a process for consultation with long-time residents. They could actively recruit Greenwood residents to apply for grants or provide community-based block grants for black applicants expressing interest in entrepreneurial activities. They could ensure that a certain percentage of grants benefit black entrepreneurs from Greenwood and North Tulsa.

Historical Memory

A privately funded \$3 million campaign to construct Tulsa’s first comprehensive memorial is underway.³⁰¹ The city of Tulsa should consider financing the entire project or, at minimum, donating to the campaign.

The city of Tulsa should also consider providing capital endowments for future historical and arts exhibits that capture the full essence of thriving Greenwood, in addition to continuing and implementing plans for the renovation and expansion of the existing Greenwood Cultural Center. To preserve the history and culture of historic Greenwood, the Tulsa Preservation Commission and the Oklahoma Historic Preservation Review Committee could seek to establish Greenwood in the National Historic Registry.³⁰²

Housing

State and local authorities should consider:

³⁰¹ “Black Wall Street Memorial,” undated, <https://blackwallstreetmemorial.com/> (accessed May 26, 2020): “The total cost of the Memorial will be \$3,000,000.00.” See also, “Black Wall Street Memorial – ‘10,000 Bricks Campaign,’” undated, <https://www.thatsmybrick.com/blackwallst> (accessed May 26, 2020).

³⁰² Commercial districts that are currently on the National Register are Blue Dome, Brady District (Tulsa Arts District), KATY Railroad, North Cheyenne, Oil Capital, Sixth Street, Tulsa Civic Center and Whittier Square. However, Greenwood is not. Tulsa Preservation Commission, “Districts in the National Register of Historic Places,” undated, <https://tulsapreservationcommission.org/districts-listed/> (accessed May 21, 2020).

- Providing subsidized housing, housing assistance, and housing relief services to residents displaced from Greenwood, who now reside in North or East Tulsa, or other parts of the county.
- Subsidizing home mortgages and rent for long-term residents of Greenwood.
- Issuing housing vouchers for long-time residents of the Greenwood community to help them stay in their homes when rising housing prices and property taxes increase the risk of displacing them.

Encourage Private Sector Support

State and local authorities could encourage other actors to support reparations as well. In particular, they could:

- Encourage the Tulsa Regional Chamber of Commerce (formerly the Tulsa Chamber of Commerce), to establish a free and public online database with searchable records from meetings, events, and other official activities, and to allocate significant funding to a reparations program for massacre survivors, descendants, and Greenwood residents.
- Encourage the Langston University-Tulsa (formerly Rogers State University) and OSU-Tulsa (formerly University Center at Tulsa) to provide records of acquisition and deed transfers of property acquired in the Greenwood area prior to the establishment of the universities and make those records public in order that full disclosure be made of property that was confiscated. These universities could also be encouraged to provide free meeting space for community meetings and events.

Addressing Ongoing Structural Racism and the Legacy of Slavery

To State and Local Governments

- Collect data and commission expert studies on persistent racial disparities in Tulsa and Oklahoma at large, respectively, in a variety of systems, including housing, health, education, criminal law, access to employment, and access to capital.
- Review government budgets to direct more resources to social and economic programs in low-income black communities that are impacted by long-term structural racism.
- Develop and implement programs in various systems—health, housing, education, and criminal law—that are specifically designed to counter the long-term effects of structural racism.

To the US Congress

- Pass House Resolution (H.R.) 40, the Commission to Study and Develop Reparation Proposals for African-Americans Act. The expert commission established by H.R. 40 should collect data and produce studies on persistent racial disparities in the United States at large, respectively in a variety of systems, including housing, health, education, criminal law, access to employment, and access to capital. Upon the termination of the commission, Congress should establish another body to collect and produce similar data and studies.
- Appropriate more resources to federal social and economic programs to address long-term structural racism and provide assistance to low-income black communities.

To the Federal Government

- Develop and implement programs in various federal agencies, including the Department of Health and Human Services, the Department of Housing and Urban Development, the Department of Justice, the Department of Labor, the Department of Commerce (including the US Small Business Administration), and the Department of Education, that are specifically designed to counter the long-term effects of structural racism.

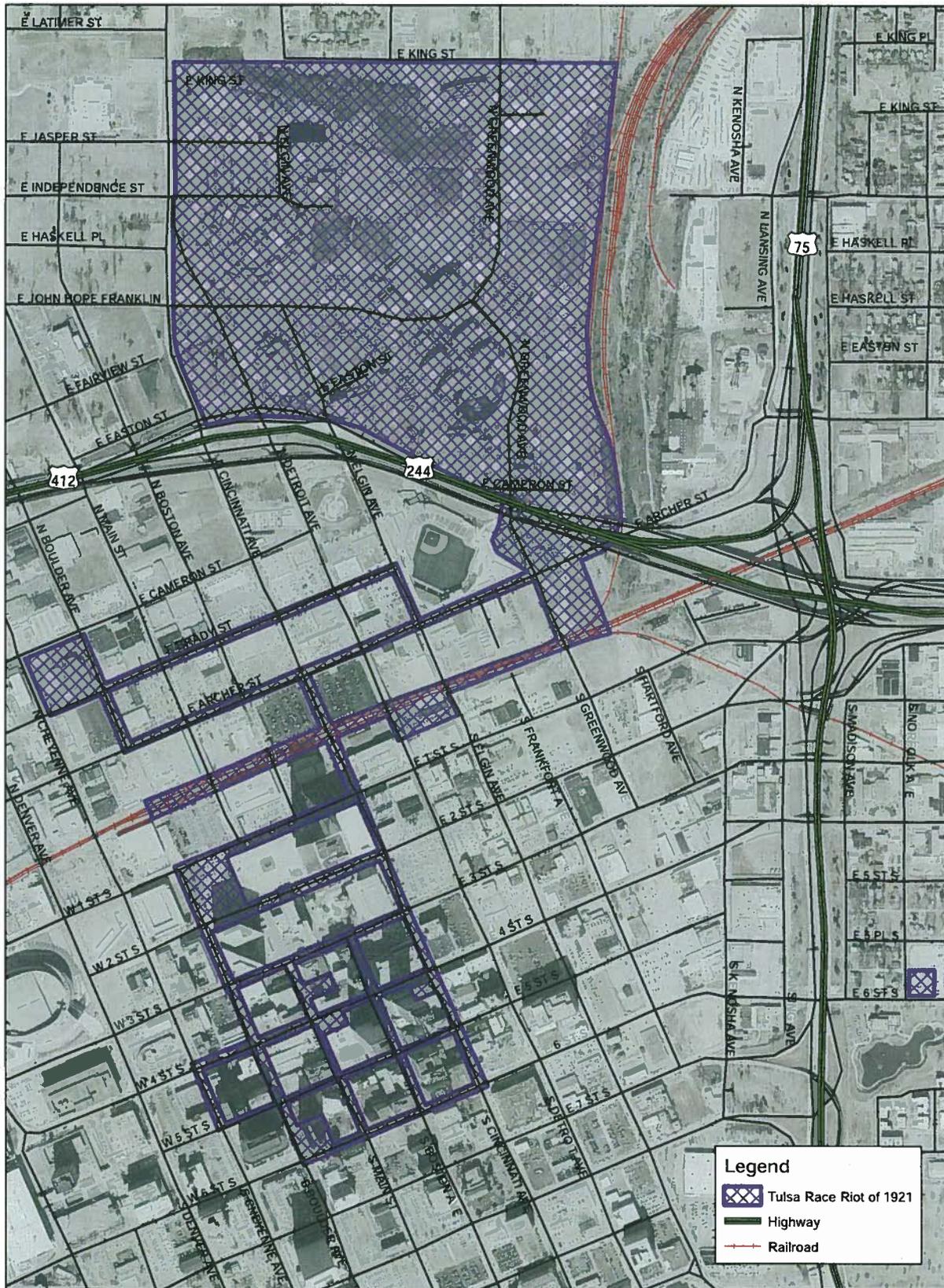
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Human Rights Watch would like to thank our resilient and inspiring partners and the many community activists in the City of Tulsa who have worked tirelessly to bring about structural change and racial justice in Tulsa. We are especially grateful to Dr. Tiffany Crutcher, Kristi Williams, Chief Amusan, Pastor Robert Turner, Attorney Damario Solomon Simmons, and Councilor Vanessa Hall-Harper for their advice and guidance. Lastly, Human Rights Watch would like to acknowledge the few remaining survivors of the 1921 Tulsa Race Massacre still alive, all of whom are over 99-years-old, and reiterates its call on governments to ensure these survivors receive reparations in their lifetime.

Tulsa Race Riot of 1921, Tulsa, Tulsa County, Oklahoma

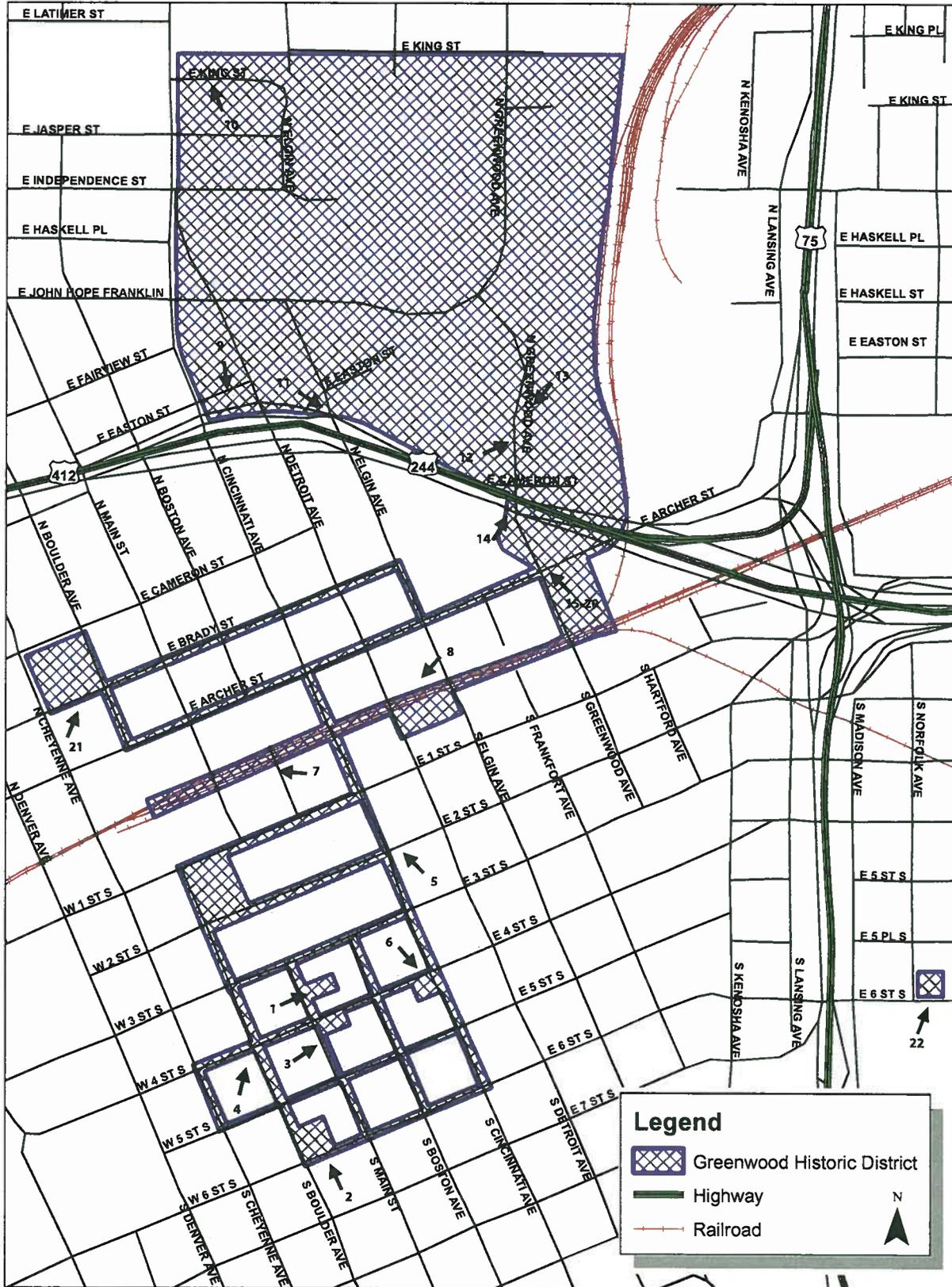
District Boundary



Map Source: OK/SHPO
 Data Source: US Census Bureau, 2010 Tiger Lines
 Wagoner County and Equivalent shapefiles
 Retrieved April 20, 2012 from www.census.gov
 Date of Production: June 27, 2012



Greenwood Historic District, Tulsa, Tulsa County, Oklahoma Photograph Map

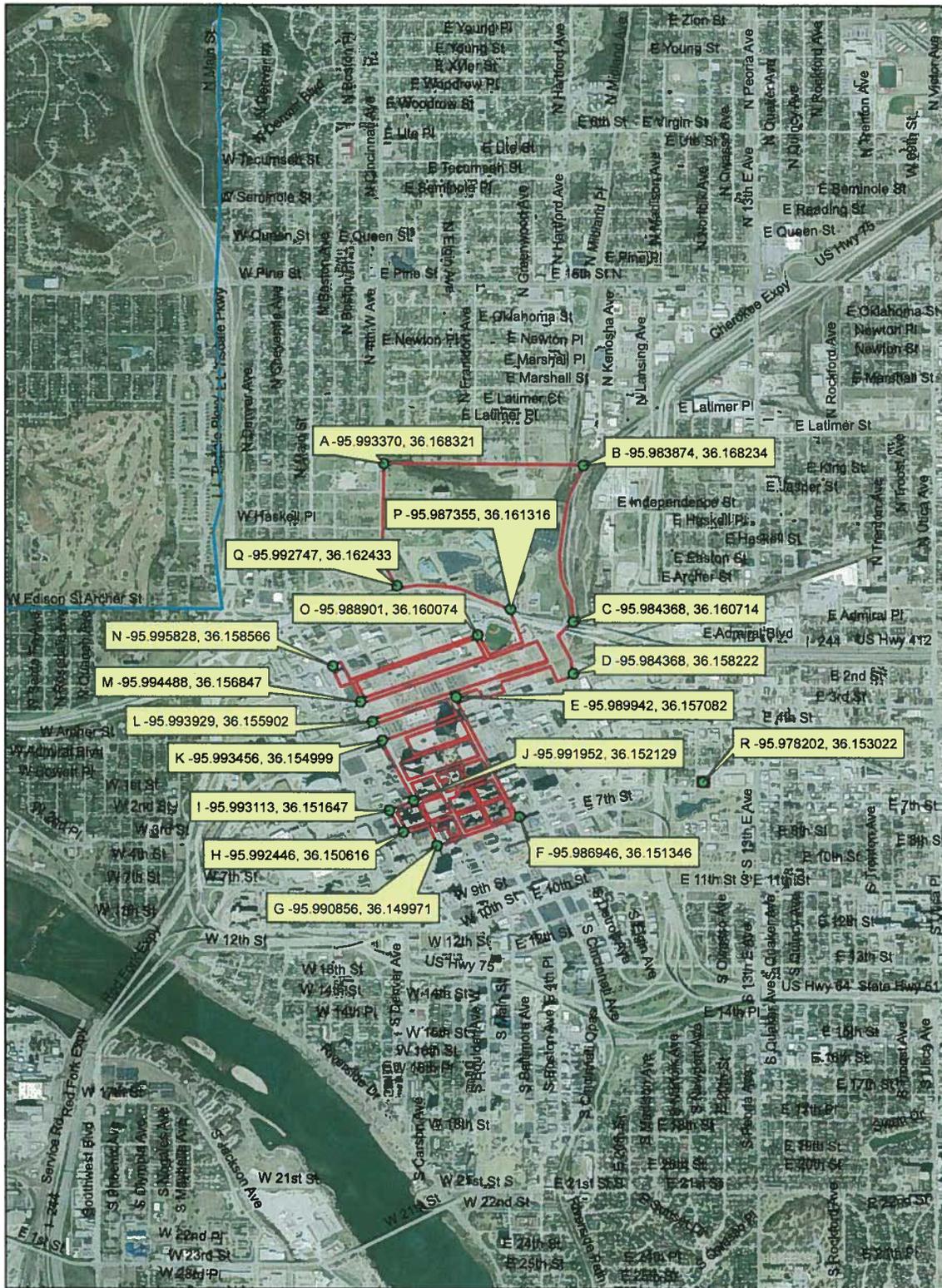


Map Source: OK/SHPO
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Greenwood Historic District, Tulsa, Tulsa County, Oklahoma

Latitude and Longitude



Map Source: OK/SHPO
Data Source: US Census Bureau, 2010 Tiger Lines
Wagoner County and Equivalent shapefiles
Retrieved April 20, 2012 from www.census.gov
Date of Production: April 20, 2012





THE CASE FOR REPARATIONS IN TULSA, OKLAHOMA

A Human Rights Argument

The 1921 Tulsa Race Massacre was one of the worst incidents of racial violence in United States history. In roughly 24 hours, a white mob burned down the prosperous Greenwood neighborhood in Tulsa, Oklahoma, then known as “Black Wall Street,” leaving hundreds of people dead, the vast majority of them Black, and destroying more than 1,200 black-owned houses. Government officials failed to protect the black community, and some city officials deputized and armed members of the mob. Following the massacre, state government officials failed to invest and rebuild Greenwood, and actively blocked efforts to do so. No one has ever been held accountable.

The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument details the massacre, its aftermath, attempts to rebuild, and subsequent policies that have prevented Greenwood and the broader North Tulsa community from thriving. These policies, and the government’s response to the massacre, have contributed to the deep racial disparities—rooted in the US history of slavery and ongoing structural racism—in Tulsa today.

The report calls on the Tulsa and Oklahoma governments to provide reparations, including direct payments to the few surviving massacre victims, and the descendants of those killed and those who survived; lift legal barriers to civil legal claims related to the massacre; recover and identify remains that may be in mass graves; and establish a comprehensive reparations plan in close consultation with affected community members. Federal authorities should develop a national reparations plan to address slavery and its legacy, as well as targeted measures to address pervasive structural racism.

(above) The aftermath of the 1921 Tulsa Race Massacre, when a white mob burned down the prosperous Greenwood neighborhood in Tulsa, Oklahoma, then known as “Black Wall Street,” killing hundreds of people, mostly black.

© Greenwood Cultural Center

(front cover) Reverend Robert Turner of the historic Vernon African Methodist Episcopal (AME) church, damaged in the 1921 Tulsa Race Massacre, leads a reconciliatory pilgrimage of sorts from the Vernon AME to Tulsa City Hall every Wednesday, demanding “reparations now.”

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