

Testimony of Charles J. Ogletree, Jr.

Before the

House Judiciary Committee  
Subcommittee on Constitution, Civil Rights and Civil Liberties

On the

Tulsa Greenwood Riot Accountability Act of 2007

April 24, 2007

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\*For identification purposes only

Dear Chairman John Conyers, members of the House Judiciary Committee and Subcommittee on Constitutional Rights:

My name is Charles Ogletree and I am the Jesse Climenko Professor of Law at the Harvard Law School and the Founder and Executive Director of the Charles Hamilton Houston Institute. My full biographical information is attached and I will not use the committee's valuable time to review it now.

## 1. Introduction

I serve as lead counsel for a group of African-Americans who, in 1921, resided in the Tulsa, Oklahoma community known as Greenwood. On the evening of May 31, 1921, a white mob, many of whom were drunk, gathered in front of the Tulsa jail, and was rumored to be preparing to lynch an African American man accused of attempting to assault a white woman. Some African American men, including World War I veterans, came to the jail to prevent the lynching. During a *mêlée* between some of the white and African American men, shots were fired and "all hell broke loose." The Mayor of the City of Tulsa, acting under color of law, called out local units of the State National Guard and, with the assistance of the Tulsa Chief of Police, deputized and armed some of the white citizens of Tulsa, many of whom were part of the drunken mob. The deputies were instructed to "go get . . . a nigger." The deputized white citizens, acting under color of law, terrorized and brutalized the African American residents of Greenwood.

In the early hours of the morning of June 1, 1921, local units of the National Guard, along with the white Chief of Police and his deputies, removed the African American residents of Greenwood from their homes. The deputies and the white mob then looted the empty buildings before burning Greenwood to the ground. Defendants harnessed the latest techniques of modern warfare to put down what they considered a "Negro Uprising." Defendants or their agents deployed a machine gun to fire on African American residents of Greenwood. Defendants or their agents also used airplanes for reconnaissance of Greenwood. In addition, some eyewitnesses recall that one or more of the airplanes engaged in the attack by shooting at the African American Greenwood residents and dropping one or more incendiary devices. These acts resulted in the mass destruction of property located in Greenwood, as well as the unlawful killing of hundreds of African American residents of Greenwood. In the course of the Riot, Defendants unlawfully detained African American residents of Greenwood, forcing many of them to work in captivity.

As a direct consequence of the Riot, the 8,000 African American citizens of the Greenwood District of Tulsa lost their homes; 5,000 of those were detained in camps by the State and City; the other 3,000 fled Tulsa, many never to return. In the aftermath of the Riot, the state and federal relief was so completely unavailable to the victims that they could not achieve justice through the court system.<sup>1</sup> The Tulsa Riot was, quite simply, a

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<sup>1</sup> A federal district court and the Tenth Circuit Court of Appeals both found that the courts were effectively closed to the plaintiffs. *See Alexander v. Governor of Oklahoma*,

singular event in American history — unique in terms of violence, governmental culpability, and the inability of riot victims to later obtain redress. Walter White, President of the NAACP, wrote: ““I am able to state that the Tulsa riot, in sheer brutality and willful destruction of life and property, stands without parallel in America.””<sup>2</sup>

There is no doubt that the City of Tulsa and the State of Oklahoma are culpable for the acts of violence perpetrated during the Tulsa Race Riot of May 31 through June 1, 1921.<sup>3</sup> In 2001 the State officially and expressly accepted responsibility for creating the climate of racial intolerance that led to the Riot. The State acknowledged that local and county officials, the City of Tulsa, and the City of Tulsa Police Department were “participants in the ... violence which took place on May 31 and June 1, 1921.”<sup>4</sup> In short: “the Oklahoma Legislature freely acknowledge[s] its moral responsibility on behalf of the state of Oklahoma and its citizens.”<sup>5</sup>

Furthermore, there is no doubt that the State and City conspired to suppress the historical record of the Tulsa Race Riot of 1921, and particularly their involvement in that Riot.<sup>6</sup> Yet, despite the evidence uncovered by a Commission to Study the Riot of 1921 created by the State, the State of Oklahoma and City of Tulsa still refuse to take the blame: the State still denies participating in the Riot;<sup>7</sup> and the City argues that the Riot victims slept upon their rights and now too much time has passed to pay compensation.<sup>8</sup>

## 2. Greenwood and the Riot

Prior to the Riot, Greenwood was a segregated community that was known as many as the “Black Wall Street” because of the amazing success that African-Americans experienced in Tulsa at that time.<sup>9</sup> Among the prominent businesses were the Dreamland Theater, the Stratford Hotel, and hundreds of other businesses providing African-

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Civ. No. 03-133, Order at 21-22 (2004) (apportioning responsibility for the Riot); *Alexander v. Governor of Oklahoma*, 382 F.3d 1206, 1219 (2004).

<sup>2</sup> Walter White, *NEW YORK CALL*, June 10, 1921.

<sup>3</sup> *See Alexander v. Governor of Oklahoma*, 382 F.3d 1206, 1219 (2004); *see also Alexander v. State of Oklahoma*, Civ. No. 03-133, Order at 21-23 (N.D. Okl. Mar. 19, 2004).

<sup>4</sup> 74 Okl. Stat. Ann. 8000.1.2.

<sup>5</sup> 74 Okl. Stat. Ann. §8000.1.6.

<sup>6</sup> *See* 74 Okl. Stat. Ann. §8000.1.4

<sup>7</sup> *See, e.g.,* 74 Okl. Stat. Ann. §8000.1 (placing legal responsibility for the Riot with City and County actors, rather than state agents); Lois Romano, No Vow to Make Amends for Tulsa; Legislators' Sidestepping Disappoints Survivors of 1921 Race Riot, *THE WASHINGTON POST*, Thursday, March 1, 2001 Section A (Governor Keating denied the State was responsible for injuries stemming from the Riot).

<sup>8</sup> *See, e.g., Alexander*, 382 F.3d at 1218-1219.

<sup>9</sup> SCOTT ELLSWORTH, *DEATH IN A PROMISED LAND: THE TULSA RACE RIOT OF 1921* 22 (1982).

Americans in a segregated city opportunities to survive and thrive.<sup>10</sup> Additionally, the law office of Buck Colbert Franklin, the father of John Hope Franklin, was in Tulsa and he was in the early stages of a very successful law practice.<sup>11</sup>

Everything changed in Black Wall Street on May 31, 1921. As you know, Dick Rowland, who shined shoes and who was an African-American, was falsely accused of an assault against a white woman, Sarah Page. As a result of that report, Mr. Rowland was arrested and taken to the local jail. Not long after, a mob of white men arrived at the jail with the purpose of lynching Mr. Rowland, rather than letting the judicial process take its course. The good news is that Mr. Rowland never actually had to go through extensive proceedings because he was not guilty of the crime. The bad news was that the combination of the threat of lynching and the arrival of African-American men who were WWI veterans and wanted to prevent the lynching led to what is now known as the Tulsa Race Riots. Ultimately it was not a race riot as much as it was the destruction of an African-American community. As the attached timeline will show, after shots were fired and battle occurred between African-Americans and whites in Tulsa, the local sheriff then deputized a number of white men who received guns from pawn shops and gun shops and were sent into the black community known as Greenwood. Their arrival there led to one of the most destructive days in the history of America. The successful businesses, private homes, and private property were destroyed by the white mob. What was once known as a thriving economic and socially tight-knit community was destroyed overnight. While the official reports listed only a few dozen casualties, the reality is that the black community was essentially destroyed and never fully recovered. There are reports of hundreds of lives being lost and bodies not being accounted for following the 1921 Tulsa Race Riots.

### 3. The State Acknowledges Culpability

No other riot manifested the level of governmental involvement in both perpetrating and covering up the Riot. During the Riot, state and local officials were directly implicated in the racially discriminatory violence. On the evening of May 31, 1921, a white mob, many of whom were drunk, participated in the worst race riot in America's history: The Mayor of the City of Tulsa, acting under color of law and with the assistance of the Tulsa Chief of Police, deputized and armed some of the white citizens of Tulsa, many of whom were part of the drunken mob. The deputies were instructed to "go get . . . a nigger." The deputized white citizens, acting under color of law, terrorized and brutalized the African American residents of Greenwood.

The Mayor also deputized local units of the National Guard which, along with the white Chief of Police and his deputies, killed African American residents of Greenwood,

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<sup>10</sup> REPORT OF THE OKLAHOMA COMMISSION TO STUDY THE TULSA RACE RIOT OF 1921 40 (2001); *see generally* ALFRED BROPHY, RECONSTRUCTING THE DREAMLAND: THE TULSA RIOT OF 1921 (2002).

<sup>11</sup> REPORT OF THE OKLAHOMA COMMISSION TO STUDY THE TULSA RACE RIOT OF 1921 40 (2001).

dragged them from their homes. The white mob then looted the empty buildings before burning Greenwood to the ground. State and city officials deployed a machine gun to fire on African American residents of Greenwood. They used airplanes for reconnaissance and to attack the African American Greenwood residents, shooting at them and dropping one or more incendiary devices. These acts resulted in the mass destruction of property located in Greenwood, as well as the unlawful killing of hundreds of African American residents of Greenwood. In the course of the Riot, state and city officials unlawfully detained African American residents of Greenwood, forcing many of them to work in captivity in conditions deliberately designed to be reminiscent of slavery.

According to the State of Oklahoma legislature:

The documentation assembled by The 1921 Riot Commission provides 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 which took place on May 31 and June 1, 1921, and even deputized and armed many whites who were part of a mob that killed, looted, and burned down the Greenwood area.<sup>12</sup>

The staggering cost of the Riot included the deaths of an estimated 100 to 300 persons, the vast majority of whom were African-Americans, the destruction of 1,256 homes, virtually every school, church and business, and a library and hospital in the Greenwood area, and the loss of personal property caused by rampant looting by white rioters. Nonetheless, there were no convictions for any of the violent acts against African-Americans or any insurance payments to African-American property owners who lost their homes or personal property as a result of the Riot.<sup>13</sup>

In the aftermath of the Riot, the State of Oklahoma and the City of Tulsa impeded the African American Riot survivors' attempts to rebuild their lives. Local officials attempted to block the rebuilding of the Greenwood community by adopting zoning restrictions to Greenwood that rendered reconstruction of the destroyed dwellings prohibitively expensive. When the zoning regulations were declared unlawful, the City of Tulsa refused to pay any restitution to the African American survivors of the Riot: the only restitution paid was to white gun-shop owners whose business had been looted. After the City of Tulsa refused to help the victims of this act of terrorism, many of the African American victims remained housed in tents through the fall and into the winter of 1921.

The State of Oklahoma and the City of Tulsa acted, in the wake of the Riot, to suppress all talk of the Riot as well as the survivors' attempts to seek legal redress. Efforts to seek relief from the court system were unsuccessful and futile. While some African Americans filed lawsuits at the time, over 100 of them were dismissed before

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<sup>12</sup> 74 Okl. Stat. Ann. §§8000.1.3

<sup>13</sup> Id.

even receiving a hearing in the State Of Oklahoma's courts. Of the two cases that were heard by the Court, one, filed by Mabel Allen, was dismissed before the jury deliberated, and the Oklahoma Supreme Court dismissed the other on appeal.

The legislature of the State Of Oklahoma, which adopted many of the Riot Commission's findings by statute in 2001, made specific reference to the "'conspiracy of silence' surrounding the events in Tulsa of May 31-June 1, 1921, and their aftermath." According to the legislature:

Perhaps the most repugnant fact regarding the history of the 1921 Riot is that it was virtually forgotten, with the notable exception of those who witnessed it on both sides, for seventy-five (75) years. This 'conspiracy of silence' served the dominant interests of the state during that period which found the riot a 'public relations nightmare' that was 'best to be forgotten, something to be swept well beneath history's carpet' for a community which attempted to attract new businesses and settlers.

The conspiracy of silence fell particularly hard on African American citizens throughout Oklahoma. Even those that fled Tulsa to other parts of the state were not allowed to speak of their experiences, and were not believed when they did. Many of the survivors and their families suffered a deep psychological scarring, as one of the purposes of the Riot and its aftermath — which lingers to this day throughout the African American community in Oklahoma — was to diminish the sense of security of all African Americans, to place them in a subservient condition, and to enforce a racial caste system that privileged whites and disadvantaged and demeaned African Americans. Many of the Riot survivors are still hesitant to talk about the events surrounding the Riot and its aftermath. Many of them still believe that the state and municipal government will punish them for discussing openly what happened during the Riot. Where one part of the community remains silenced, there can be no discussion of racial reconciliation in Oklahoma, and the stunted conversation on race that caught Justice Marshall's attention in Dowell as recently as 1991 is perpetuated from one century to the next. The Riot Commission found that, to this day, Oklahoma, and in particular, Tulsa, remains racially divided.

The Riot victims did attempt to obtain redress in the aftermath of the violence. Nonetheless, those who filed suit found their cases held in legal limbo. The District Court unequivocally found that the State and City's actions precluded the plaintiffs from timely filing their claim for the approximately fifty years following the Riot:

*[The] legal system . . . was openly hostile to them, courts . . . were practically closed to their claims, [the] City . . . blamed them for the Riot and actively suppressed the facts, [in] an era of Klan domination of the courts and police force, and the era of Jim Crow. . . . Both the Commission Report and the Legislative Findings and Intent resulting from that Report catalog the horror and devastation of the Riot as well as the intimidation, misrepresentation and denial that took place afterward. The*

*political and social climate after the riot simply was not one wherein the Plaintiffs had a true opportunity to pursue their legal rights.*<sup>14</sup>

The Riot — by the State’s own admission — stands out in American history of one of the worst examples of state-sponsored violence against an African-American community. The State Commission’s own findings, incorporated by Statute, determined that because of the actions and inactions of government officials, as many as 300 African-Americans were killed; 1,256 African-American residences and businesses were burned to the ground; and that approximately \$16,752,600 (in 1999 dollars) of property was destroyed.<sup>15</sup> As the State acknowledges, it was designed to send a message to all African Americans with “the goal [of] to ‘putting African-Americans in Oklahoma in their place’ and to ‘push down, push out, and push under’ African-Americans in Oklahoma.”<sup>16</sup>

The State explicitly accepts that it “*ignored [its responsibilities] ever since [the Riot] rather than confront the realities of an Oklahoma history of race relations that allowed one race to ‘put down’ another race.*”<sup>17</sup> It has found that the City of Tulsa, conspired with it to suppress discussion of the Riot and actions seeking redress for damages suffered, and that the City, through its officials, is similarly culpable for the racially-motivated murder of up to 300 African Americans and the destruction of over 1,200 properties worth some \$20,000 million in 2003 dollars.

Despite acknowledging moral culpability, the State of Oklahoma and the City of Tulsa have refused to compensate the victims of the riot.

#### 4. The Courts Fail to Provide a Remedy

The African-American survivors of the riot attempted to have some legal remedy but as every judge has heard this case, at the federal level, district court, and the court of appeals, the courts really were not available to African-Americans and the Tulsa Race Riot survivors during this difficult time of race relations in America.

The merit of the Tulsa Race Riot case was recited with unmitigated elegance by Judge Ellison, who, though denying their claim for relief, stated the worthiness of their cause and how there were exceptions that should be applied to this case. Judge Ellison stated that:

“There is no question that there are exceptional circumstances here. Both the Commission Report and the Legislative Findings and Intent resulting from that Report catalog the horror and devastation of the Riot as well as the intimidation, misrepresentation and denial that took place afterward.

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<sup>14</sup> Alexander, Civ. No. 03-133, Order at 21-22.

<sup>15</sup> 74 Okl. St. Ann. § 8000.1.2, 8000.1.3.

<sup>16</sup> 74 Okl. Stat. Ann. §8000.11.

<sup>17</sup> 74 Okl. Stat. Ann. §8000.16.

The political and social climate after the riot simply was not one wherein the Plaintiffs had a true opportunity to pursue their legal rights. The question is not a factual question of whether exceptional circumstances existed. They did.”<sup>18</sup>

The District Court ruled, however, that despite these exceptional circumstances the survivors should have known at some time during the 1960s that they could file a lawsuit, and so denied the survivors’ equitable estoppel, equitable tolling, and “extraordinary circumstances” arguments for suspending the statute of limitations. Rather, the District Court held that the survivors were sufficiently aware of the “necessary facts” to file suit in the “aftermath of the riot,” and so had run out of time by 2003.<sup>19</sup>

After our lack of success with the District Court of Appeals in the 10<sup>th</sup> Circuit, which also recognized the merits of the case but denied relief, in a blistering dissent Judge Carlos Lucero, speaking on behalf of four judges, said the following:

This case is not about tolling, it is about equitable tolling. ... Given the district court's indefiniteness regarding when equitable tolling was no longer appropriate, I suspect that there is no time when social conditions would have been different for the plaintiffs--no time when, on the court's reasoning, they could have brought their claim. That is, the court could always point to some earlier time when plaintiffs should have brought their claims--e.g., the naming of the Commission, the publication of Ellsworth's book, the passage of civil rights legislation, the decision in *Brown v. Board of Education*--all the way back in time until the racist conditions underlying the claim for equitable tolling would have foreclosed any such claims. Our equitable duties require more from us than to place plaintiffs in such an untenable position.<sup>20</sup>

After the lack of success before the District and Circuit Courts, we filed a petition with the Supreme Court which was denied on May 16, 2005.

In these instances, it is clear that these Tulsa Race Riot survivors deserve relief. When we first filed this lawsuit on their behalf, building on the change of circumstances as recounted in the Tulsa Race Riot Commission Report of 2001, and filing before the two-year statute of limitation, we were able to recite the specific claims that the clients were making. Four years have passed since we filed that lawsuit in February of 2003. Nearly half of the clients who we represented have since died and the numbers are only increasing.

## 5. The Need for Federal Intervention

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<sup>18</sup> See *Alexander v. Governor of Oklahoma*, Civ. No. 03-133, Order at 21-22 (2004).

<sup>19</sup> See *id.* at 22.

<sup>20</sup> *Alexander v. Governor of Oklahoma*, 391 F.3d 1155, 1159, 1163 (10<sup>th</sup> Cir. 2004) (Lucero, J., dissenting from denial of rehearing en banc)

The Tulsa Race Riot victims' case should not be viewed in an isolated context. When the courts have been unable to respond to the needs of its citizens, it has often taken the courage and the moral leadership of the executive and legislative branches of the government to address these travesties and miscarriages of justice. This great Congress stood forward through the efforts of Senator Robert Dole of Kansas, Republican, and Senator Daniel Inouye of Hawaii, Democrat, both WWII veterans, to pass the Civil Liberties Act of 1988, PL 100-383, 1988 HR 442, in order to:

- (1) acknowledge the fundamental injustice of the evacuation, relocation, and internment of United States citizens and permanent resident aliens of Japanese ancestry during World War II;
- (2) apologize on behalf of the people of the United States for the evacuation, relocation, and internment of such citizens and permanent resident aliens;
- (3) provide for a public education fund to finance efforts to inform the public about the internment of such individuals so as to prevent the recurrence of any similar event;
- (4) make restitution to those individuals of Japanese ancestry who were interned.

The Congress recognizes that, as described by the Commission on Wartime Relocation and Internment of Civilians, a grave injustice was done to both citizens and permanent resident aliens of Japanese ancestry by the evacuation, relocation, and internment of civilians during World War II. As the Commission documents, these actions were carried out without adequate security reasons and without any acts of espionage or sabotage documented by the Commission, and were motivated largely by racial prejudice, wartime hysteria, and a failure of political leadership. The excluded individuals of Japanese ancestry suffered enormous damages, both material and intangible, and there were incalculable losses in education and job training, all of which resulted in significant human suffering for which appropriate compensation has not been made. For these fundamental violations of the basic civil liberties and constitutional rights of these individuals of Japanese ancestry, the Congress apologizes on behalf of the Nation.

The Civil Liberties Act of 1988 provided the opportunity for Japanese-Americans who were placed in internment camps during the Second World War to receive reparations. By the same token, this Congress looking at the mistreatment of African-Americans who were farmers in the 20<sup>th</sup> Century and yet repeatedly saw their claims for support denied on the basis of race and not on merit, receive the benefit of congressional action to address those decades of disparity.<sup>21</sup> By the same token, it is imperative that this

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<sup>21</sup> See Agricultural, Rural Development, Food and Drug Administration, and Related Agencies Appropriations Act, 1999, Pub.L. 105-277, 112 Stat. 2681-30, (codified at 7

Congress, sitting in the 21<sup>st</sup> Century more than 85 years after the Tulsa Race Riot, must rise to the occasion and address the ongoing needs of the Tulsa Race Riot survivors. They have been waiting patiently and praying diligently since May 31, 1921 that this nightmare they experienced would go away. They are still patient and still in prayer, they are still believing that justice will prevail and that individuals of good spirit and good heart will see the extent to which they have been wrongly denied their rights and will give them relief before they die.

We appropriately, as a nation, express remorse and deep sadness for the tragic death of innocent citizens in Oklahoma City on April 19, 1995. That incident has led to the establishment of appropriate memorials, compensation for the victims, and punishment for those who were responsible.<sup>22</sup> As well, we have appropriately responded to the tragedy of the death of 3000 innocent Americans as a result of the terrorist acts of September 11, 2001. We are attempting to bring those responsible to justice to compensate those for their losses and to memorialize this tragic event of the 21<sup>st</sup> Century. I lost personal friends and acquaintances on September 11<sup>th</sup> and shall never forget that tragic day in America. By the same token, as we sit here and see 104-year-old Clark, 91-year-old Dr. Olivia Hooker, 91-year-old Wess Young, and the chronicler of their travels, Mrs. Edie Fay Gates and others, we must continue the work. Every lawyer who has worked on this case has done so without requesting or receiving compensation. We do the work because it is the right thing to do and because it is our moral obligation to defend those who are suffering, who are in need, who are neglected and who seek justice. We call on the House Subcommittee on Constitution, Civil Rights and Civil Liberties to give justice to the Tulsa survivors and to let them know that you, too, see that, no matter that this tragedy occurred long ago, we shall not forget nor will we allow it to be ignored as part of our responsibility.

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U.S.C. §2297) (waiving statute of limitations). *See also* the Holocaust Victims Redress Act, PL 105-158 (1998 S 1564) which was enacted “[t]o provide a measure of justice to survivors of the Holocaust all around the world while they are still alive” by appropriating funds for distribution to Holocaust survivors.

<sup>22</sup> As a result of the need for federal monetary assistance to victims of the Oklahoma City bombing, Congress, in 1996, gave OVC the authority to access the Victims of Crime Act emergency reserve fund of \$50 million to assist victims of terrorism and mass violence. The Antiterrorism and Effective Death Penalty Act of 1996 amended VOCA by adding 42 U.S.C. § 19693(b) to allow OVC access to the emergency reserve fund in both domestic and international terrorist incidents. The Department of Justice has paid out over \$800,000 to the victims of the Oklahoma City Bombing for mental health care alone.

## TIMELINE

### Stage 1: Preparation for Riot

6:30 p.m. and 10:30 p.m. on May 31

6:30 p.m.: African Americans present at the courthouse were shot, some killed, and the rest driven out of downtown Tulsa and into Greenwood

7:00 p.m.-10:30 p.m.: Chief of Police deputized and armed about 500 white citizens

9:30 p.m.: Local National Guard hailing from Tulsa and the surrounding towns were mobilized at the request of the Mayor of Tulsa under the command of Lt. Col. Frank Rooney

### Stage 2: Pitch Battle

10:30 p.m. May 31, 1921 until 3:00 a.m. June 1, 1921

Whites attempted to invade Greenwood from the south and west.

Two particularly intense battles were fought at Sunset Hill, north of the central section of Greenwood and at Standpipe Hill South of the central section.

2:00 a.m.: Local Guard repeatedly invaded Greenwood

2:00 a.m.: fierce gunfight erupted at the Frisco Railroad

3:00 a.m., Capt. Van Voorhis arrived to find the local Guard thus deployed and immediately started firing on Mount Zion church, a prominent church in Greenwood

### Stage 3: Burning & Looting

5:00 a.m. until 10:30 a.m. June 1, 1921

5:00 a.m. A siren sounded and the white mob invaded in numbers, primarily from Archer Street in the south, looting, burning, and killing as they went

7:30 a.m., after a night of fighting, Capt. Voorhis began his first sweep through Greenwood, traveling east along Cameron Street into the center of Greenwood, then north along Greenwood Avenue, taking prisoners as they went.

8:00 a.m., Capt. Voorhis then returned south to Davenport Street, just north of Cameron Street, between Detroit and Greenwood, where the local Guard once again started searching "every house to the right and left for negroes and firearms."

At the same time, Capt. McCuen entered the northern part of Greenwood in a kind of pincer movement, working north and northeast from Sunset Hill. Throughout this process, the Guardsmen "captured, arrested and disarmed a great many negro men in this settlement and sent them under guard to the convention hall and other points where they were being concentrated."

June 1-June 4, 1921:

“During the first two days...120 graves [were dug] in each of which a dead Negro was buried. No coffins were used. The bodies were dumped into the holes and covered with dirt.” Walter F. White, "The Eruption of Tulsa", *The Nation*, June 29, 1921  
African-American Survivors kept in Detention Centers

Summer 1921-Winter 1921-22

African-American Survivors housed in Red Cross tents

1922-1932

1923: Governor Jack Walton declared martial law in Tulsa in an effort to curb the Klan's power.<sup>23</sup> He subsequently expanded martial law to throughout the state and then convened military tribunals to investigate the Klan's violence and the ways it used its power to stop prosecutions.<sup>24</sup> Governor Walton's actions are susceptible of several interpretations.

“Everyone agrees that within months of the riot Tulsa's Klan chapter had become one of the nation's most powerful, able to dictate its will with the ballot as well as the whip. . . . Everyone agrees that Tulsa's atmosphere reeked with a Klan-like stench that oozed through the robes of the Hooded Order. . . .”<sup>25</sup>

1997

House Joint Resolution 1035 (1997), the statute passed by the Oklahoma legislature and that created the Commission, waives the statute of limitations defense. That statute conceded that:

“black persons of that era were practically denied equal access to the civil or criminal justice system in order to obtain damages or other relief for the tortious and criminal conduct which had been committed.”

and that:

“the Greenwood community and the residents who lived and worked there were irrevocably damaged by the tortious and criminal conduct that occurred during the Tulsa Race Riot; . . . and ... at the time of the 1921 riot

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<sup>23</sup> Sheldon Neuringer, *Governor Walton's War on the Ku Klux Klan: An Episode in Oklahoma History*, 45 *CHRONICLES OF OKLAHOMA* 153 (1967); Brad L. Duren, “*Klanspiracy*” or *Despotism? The Rise and Fall of Governor Jack Walton, featuring W.D. McBee*, 80 *CHRONICLES OF OKLAHOMA* 463 (2002-03).

<sup>24</sup> The conflict over the Klan had important political overtones. Members of the legislature opposed the Governor. He used the National Guard to prevent the legislature from meeting in special session and drawing impeachment charges against him. Walton, however, was successfully impeached in November 1923, following a special election that ratified the special session of the legislature.

<sup>25</sup> RIOT COMMISSION REPORT at 11, 47

in the City of Tulsa, the Oklahoma Constitution contained provisions, still effective as law, which provided that: 'All persons have the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of their own industry.' and further that: 'the courts of justice of the State shall be open to every person, and speedy and certain remedy afforded for every wrong and for every injury to person, property and reputation; and right and justice shall be administered without sale, denial, delay or prejudice.'"

2001

Governor Keating, Governor of the State of Oklahoma, stated that he "supported direct payments to the 120 survivors of the bloody riots if the report contained persuasive evidence of state culpability."<sup>26</sup> He admitted that "Compensation for direct loss occasioned by direct state or city action is not inappropriate. . . . But it has to be shown that there was real harm to existing, living individuals and that direct action by the city and the state caused the harm"<sup>27</sup>

February 24, 2003

Lawsuit filed by Survivors of Riot

May 16, 2005

Certiorari denied by United States Supreme Court

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<sup>26</sup> Lois Romano, No Vow to Make Amends for Tulsa; Legislators' Sidestepping Disappoints Survivors of 1921 Race Riot, *THE WASHINGTON POST*, Thursday, March 1, 2001 Section A.

<sup>27</sup> Lois Romano, Tulsa Airs a Race Riot's Legacy; State Historical Panel's Call for Restitution Spurs a Debate, *THE WASHINGTON POST*, Wednesday, January 19, 2000, at Section A.