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IN THE DISTRICT COURT IN AND FOR TULSA COUNTY
STATE OF OKLAHOMA

- 1. LESSIE BENNINGFIELD RANDLE,
Tulsa Race Massacre Survivor,
- 2. VIOLA FLETCHER,
Tulsa Race Massacre Survivor,
- 3. HUGHES VAN ELLISS, SR.
Tulsa Race Massacre Survivor,
- 4. HISTORIC VERNON A.M.E. CHURCH, INC.,
a domestic not-for-profit corporation,
- 5. LAUREL STRADFORD,
great-granddaughter of J.B. Stradford,
- 6. ELLOUISE COCHRANE-PRICE,
daughter of Clarence Rowland and
cousin of Dick Rowland,
- 7. TEDRA WILLIAMS,
granddaughter of Wess Young,
- 8. DON M. ADAMS,
nephew and next friend of Dr. A.C. Jackson,
- 9. DON W. ADAMS,
great-grandson of Attorney H.A. Guess,
- 10. STEPHEN WILLIAMS,
grandson of A.J. Smitherman,
- 11. THE TULSA AFRICAN
ANCESTRAL SOCIETY,
an unincorporated association,
- Plaintiffs,
- v.
- 1. CITY OF TULSA,
a municipal corporation,

DISTRICT COURT
FILED

FEB - 2 2021

DON NEWBERRY, Court Clerk
STATE OF OKLA. TULSA COUNTY

Case No. CV-2020-1179
Judge Caroline Wall

JURY TRIAL DEMANDED
ATTORNEY LIEN CLAIM

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2. TULSA REGIONAL CHAMBER,	)
a domestic not-for-profit corporation,	)
	)
3. TULSA DEVELOPMENT AUTHORITY,	)
	)
4. TULSA METROPOLITAN AREA PLANNING	)
COMMISSION,	)
	)
5. BOARD OF COUNTY COMMISSIONERS	)
FOR TULSA COUNTY, OKLAHOMA,	)
	)
6. VIC REGALADO, IN HIS OFFICIAL	)
CAPACITY AS SHERIFF OF TULSA	)
COUNTY,	)
	)
7. OKLAHOMA MILITARY DEPARTMENT,	)
	)
Defendants.	)

FIRST AMENDED PETITION

Plaintiffs bring this action to abate the public nuisance caused by Defendants' unreasonable, unwarranted, and/or unlawful acts and omissions that began with the Tulsa Race Massacre of 1921 ("Massacre") and continues to this day. The Plaintiffs also seek to recover for unjust enrichment for the Defendants' exploitation of the Massacre for their own economic and political gain. Plaintiffs state as follows:

I. STATEMENT OF THE CASE

1. This lawsuit seeks to remedy the ongoing nuisance caused by the 1921 Tulsa Race Massacre in the Greenwood District of Tulsa and to obtain benefits unjustly received by Defendants based on the Massacre. The type of nuisance inflicted upon the Greenwood neighborhood and community was aptly described by current City of Tulsa Mayor, G.T. Bynum: "In Tulsa, the racial and economic disparities that still exist today can be traced to the 1921 race

massacre.”¹ The victims of this nuisance are residents of the Greenwood community and members of the predominantly Black, North Tulsa community.² Plaintiffs seek a court order, as authorized by Oklahoma’s Public Nuisance Law, Okla. Stat. tit. 50, § 1, requiring Defendants to abate the public nuisance of racial disparities, economic inequalities, insecurity, and trauma their unreasonable, unwarranted, and/or unlawful actions and omissions caused in 1921 and continue to cause ninety-nine years after the Massacre.

2. Beginning on May 31, 1921 and lasting through June 1, 1921, one of the worst acts of domestic terrorism in United States history since slavery completely decimated Tulsa’s thriving, all-Black community of Greenwood.³ A large, angry White mob, including some members of the Tulsa Police Department, the Tulsa County Sheriff’s Department, and the National Guard, as well as other city and county leaders and members of the chamber of commerce, overwhelmed the approximately 40-square-block community, killing hundreds of Black residents, injuring thousands more, burning down almost fifteen hundred homes and businesses, and stealing residents’ personal property.

3. This brutal, inhumane attack, now referred to as the Tulsa Race Massacre of 1921, robbed thousands of African Americans of their right of self-determination⁴ on which they had built this self-sustaining community, and annoyed, injured and endangered the comfort, repose,

¹ *Bloomberg Philanthropies Announces City of Tulsa Will Receive \$1 Million for Public Art Project Honoring America’s First ‘Black Wall Street,’* CITYOFTULSA.ORG (Jan. 17, 2019), <https://www.cityoftulsa.org/press-room/city-of-tulsa-named-bloomberg-philanthropies-2018-public-art-challenge-winner/>.

² After Historic Greenwood was destroyed and stolen by Defendants, Defendants displaced Greenwood’s Black residents into the previously all-White community of North Tulsa. Due to “white flight,” North Tulsa became predominately Black and today North Tulsa is synonymous with “Black Tulsa.”

³ See OKLA. COMM’N TO STUDY THE RACE MASSACRE REPORT OF 1921, RACE MASSACRE REPORT [hereinafter, Race Massacre Report] (Feb. 28, 2001), <https://www.okhistory.org/research/forms/freport.pdf>. The Oklahoma State Legislature accepted the findings of the Race Massacre Report through the passage of 74 O.S. § 8001. The Race Massacre Report is incorporated in its entirety by reference herein.

⁴ See OKLA. CONST. ART. II, § 2.

health, and safety of the members of the Greenwood community, and rendered them insecure in their lives and the use of their real and personal property.

4. Following the Massacre, Defendants exacerbated the damage and suffering of the Greenwood residents. Defendants unlawfully detained thousands of Greenwood survivors and enacted unconstitutional laws that deprived Greenwood residents of the reasonable use of their property. From the period immediately after the Massacre until the present day, Defendants actively and unreasonably, unwarrantedly, and/or unlawfully thwarted the community's efforts to rebuild, neglecting the Greenwood and predominantly Black, North Tulsa communities. Instead, Defendants redirected public resources, which should have been used to abate the nuisance surrounding Greenwood, to benefit the overwhelmingly White parts of Tulsa. Defendants also used federal programs such as Urban Renewal⁵ to continue the destruction of the Greenwood community. As a direct result, Plaintiffs and thousands of Black Greenwood and North Tulsa residents and their descendants have experienced and continue to experience insecurity in their lives and property and their sense of comfort, health, and safety has been destroyed. Plaintiffs therefore seek to abate this public nuisance that has continued to plague Tulsa's Black community for nearly one hundred years.

5. Adding to the Plaintiffs' other injuries, the Defendants began enriching themselves by promoting the site of the Massacre as a tourist attraction, obtaining funds to do so, as well as aiding in obtaining funds to create a history center of which Defendants will control and appropriate the narrative of the Massacre, and distort their central role in the continued oppression of Greenwood and its Black residents. The known living survivors, and the

⁵ Urban Renewal is the process where privately owned properties within a designated area are purchased or taken by eminent domain by a municipal redevelopment authority, razed and then reconveyed to selected developers who put the land to other uses. See *Britannica Online*, "Urban Renewal," available at <https://www.britannica.com/topic/urban-renewal>.

descendants of those victimized by the Massacre, including current residents of the Greenwood neighborhood and North Tulsa, have reaped no material benefit from Defendants' appropriation of the Massacre.

II. THE PARTIES

6. Plaintiff **Lessie E. Benningfield Randle** ("Mother Randle") is an individual who at all relevant times has resided in the County of Tulsa, State of Oklahoma. Mother Randle is directly affected by the Massacre and the ongoing public nuisance.

7. Plaintiff **Viola Fletcher** ("Mother Fletcher") is an individual who resides in Bartlesville, Oklahoma. As one of the last known living survivors of the Massacre, Mother Fletcher is directly affected by the Massacre and the ongoing public nuisance.

8. Plaintiff **Hughes Van Ellis, Sr.** ("Ellis") is an individual who resides in Denver, Colorado. As one of the last known living survivors of the Massacre, Ellis is directly affected by the Massacre and the ongoing public nuisance.

9. Plaintiff **Historic Vernon A.M.E. Church, Inc.** ("Vernon") is a domestic not-for-profit corporation which at all relevant times has been a resident of Greenwood, at 307 North Greenwood Avenue, in the County of Tulsa, State of Oklahoma. Vernon is directly affected by the Massacre and the ongoing public nuisance.

10. Plaintiff **Laurel Stradford** ("Stradford") is an individual who resides in Chicago, Illinois. Stradford is the great-granddaughter of J.B. Stradford who owned the Stradford Hotel in Greenwood, the largest Black-owned hotel in the United States at the time of the Massacre. Stradford is directly affected by the Massacre and the ongoing public nuisance.

11. Plaintiff **Ellouise Cochrane-Price** ("Price") is an individual who at all relevant times has resided in the County of Tulsa, State of Oklahoma. Price is the daughter of Massacre victim

Clarence Rowland and the cousin of Massacre victim Dick Rowland. Price is directly affected by the Massacre and the ongoing public nuisance.

12. Plaintiff **Tedra Williams** (“T. Williams”) is the granddaughter of Massacre survivor **Wess Young** (“Young”). Williams is an individual who resides in Dallas, Texas. Williams is directly affected by the Massacre and the ongoing public nuisance.

13. Plaintiff **Don M. Adams** (“M. Adams”) is an individual who resides in Del City, Virginia. Adams is the nephew and next of kin of Massacre victim Dr. A.C. Jackson. Adams is directly affected by the Massacre and the ongoing nuisance.

14. Plaintiff **Don W. Adams** (“W. Adams”) is an individual who resides in Alpharetta, Georgia. W. Adams is the great-grandson of Massacre survivor Attorney H.A. Guess. W. Adams is directly affected by the Massacre and the ongoing nuisance.

15. Plaintiff **Stephen Williams** (“S. Williams”) is an individual who resides in San Bernardino, California. S. Williams is the grandson of Massacre survivor Attorney A.J. Smitherman. S. Williams is directly affected by the Massacre and the ongoing nuisance.

16. Plaintiff **The Tulsa African Ancestral Society** (“Society”) is an unincorporated association maintains its principal place of business in the County of Tulsa, State of Oklahoma. Society’s membership includes descendants of Massacre survivors. Society is directly affected by the Massacre and the ongoing public nuisance.

17. Defendant **City of Tulsa** (“City”) is a municipal corporation created and authorized under the laws of the State of Oklahoma, which is and at all relevant times has been situated in the County of Tulsa, State of Oklahoma.

18. Defendant **Tulsa Regional Chamber** (“Chamber”) is a domestic not-for-profit corporation that maintains its principal place of business in the County of Tulsa, State of Oklahoma.

19. Defendant **Tulsa Development Authority** (“TDA”) is a public body corporate created and existing in the City of Tulsa, County of Tulsa. Defendant’s principal office is located in the City of Tulsa, State of Oklahoma. In 1986 TDA became the successor organization of the Tulsa Urban Renewal Authority. The Tulsa Urban Renewal Authority was created by the City in 1957 to plan, implement, and enforce the City’s Urban Renewal programs and policies. As a result, TDA is a successor organization to the City.

20. Defendant **Tulsa Metropolitan Area Planning Commission** (“Planning Commission”) is a public body corporate created and existing in the City of Tulsa, County of Tulsa, State of Oklahoma. Defendant’s principal office is located in the City of Tulsa, State of Oklahoma. The Planning Commission was created by the City and the County in 1957. Planning Commission’s mission is to provide unbiased advice to the Tulsa City Council and the Tulsa County Board of Commissioners on development and zoning matters; to provide a public forum that fosters public participation and transparency in land development and planning; to adopt and maintain a comprehensive plan for the metropolitan area; and to provide other planning, zoning, and land division services that promote the harmonious development of the Tulsa Metropolitan Area and enhance and preserve the quality of life for the region’s current and future residents. As a result, the Planning Commission is a successor organization to the City and Tulsa County.

21. Defendant Board of County Commissioners of **Tulsa County** (“Tulsa County”), founded at statehood in 1907, is a political subdivision of the State of Oklahoma. Defendant’s principal office is located in the City of Tulsa, Oklahoma.

22. Defendant **Oklahoma Military Department** (“National Guard”) is an agency of the State of Oklahoma pursuant to 44. O.S. § 21. Defendant’s principal office is located in Oklahoma City, Oklahoma.

23. Defendant **Vic Regalado** (“Sheriff”) is the elected Sheriff of Tulsa County, Oklahoma. He is sued in his official capacity. Defendant’s principal place of business is located in the City of Tulsa, Oklahoma.

III. JURISDICTION AND VENUE

24. This Court has jurisdiction over the parties and subject matter and venue is proper in Tulsa County.

IV. STANDING TO SUE

25. Oklahoma law provides that a private plaintiff will have standing to bring a public nuisance lawsuit “if it [the nuisance] is specially injurious to himself.”⁶

V. SPECIAL INJURY TO THE PLAINTIFFS

26. **Mother Randle**, at 106 years old, is a survivor of the Massacre. One or some of the Defendants looted and destroyed Mother Randle’s grandmother’s home, rendered her insecure in her health and sense of safety in the immediate aftermath of the Massacre and caused her to have emotional and physical distress that continues to this day. As she testified in her October 14, 2020 deposition, Mother Randle experiences flashbacks of Black bodies that were stacked up on the street as her neighborhood was burning, causing her to constantly relive the terror of May 31 and June 1, 1921.⁷ The Massacre left her family without sufficient financial resources to provide the needed physical and emotional support to overcome the terror of the Massacre. She also had her family home taken by Defendants through the racially discriminatory Urban Renewal

⁶ OKLA. STAT ANN. tit. 50 § 10.

⁷ See Transcript of Deposition of Mother Randle at 15:1-17:25, (Oct. 14, 2020), filed herewith as **Exhibit 1**.

program. Throughout her life, she and her family have struggled financially, emotionally, and socially as a result of the Massacre and the continuing public nuisance and will continue to suffer until the nuisance is abated.

27. **Mother Fletcher**, at 106 years old, is a survivor of the Massacre. One or some of the Defendants looted and destroyed Mother Fletcher's neighborhood, caused her and her family to frantically flee Tulsa in fear of their lives with nothing but the clothes on her back, rendered her and her family impoverished for the rest of her life, insecure in her health and sense of safety in the immediate aftermath of the Massacre and caused her to have emotional and physical distress that continues to this day. As she testified in her October 16, 2020 deposition, Mother Fletcher lived through and experiences flashbacks of seeing Black bodies in the street and her neighborhood burning, causing her to constantly relive the terror of May 31 and June 1, 1921.⁸ The Massacre left her family without sufficient financial resources to provide the needed physical and emotional support to overcome the terror of the Massacre. Throughout her life, she and her family have struggled financially, emotionally, and socially as a result of the Massacre and the continuing public nuisance, and she will continue to suffer until the nuisance is abated.

28. **Ellis**, at 100 years old, is a survivor of the Massacre. One or some of the Defendants looted and destroyed Ellis' neighborhood, caused him and his family to frantically flee Tulsa in fear of their lives with nothing but the clothes on his back, rendered his family impoverished for the rest of his life. He was rendered insecure in his health and sense of safety in the immediate aftermath of the Massacre which caused him to have emotional and physical distress that continues to this day. The Massacre left his family without sufficient financial resources to provide the needed physical and emotional support to overcome the terror of the Massacre.

⁸ See Transcript of Deposition of Mother Fletcher at 12:7-29:25, 37:7-38:25 (Oct. 16, 2020), filed herewith as **Exhibit 2**.

Throughout his life, he has struggled financially, emotionally, and socially as a result of the continuing public nuisance and will continue to do so until the nuisance is abated.

29. **Vernon**, founded in 1905, is the only standing Black-owned structure from the Historic Black Wall Street era and the only edifice that remains from the Massacre. Vernon's sanctuary burned in the Massacre. The basement was the only part of the red brick building that remained. Vernon also lost many prominent members, including its pastor, Reverend C.R. Tucker, all of whom had contributed to the church, financially or socially. After the Massacre, church members had to raise \$3,100 to rebuild and furnish the basement on the same land where it sits today. The trauma of the Massacre, including the loss of prominent members who contributed both financially and by their involvement, made it harder for the remaining church members to repair and furnish the basement to make it usable for services at this time of great spiritual need. This deprivation prevented the adequate rebuilding of Greenwood and ensured that the public nuisance created by the Massacre would continue. The trauma and losses caused by the Massacre continue to plague the congregation today and will do so until the nuisance is abated.

30. **Stradford** is the descendant of Attorney J.B. Stradford, a businessman widely regarded as the wealthiest and most successful resident of Greenwood at the time of the Massacre. One or some of the Defendants destroyed J.B. Stradford's property, including the Stradford Hotel. Immediately after the Massacre, one or some of the Defendants empaneled an all-White Tulsa County grand jury that criminally indicted J.B. Stradford on charges of causing the Massacre. Those actions injured J.B. Stradford's security and caused him to flee Tulsa in fear of his life. Defendants interfered with his ability to return to rebuild and enjoy the use of his land. Defendants' destructive acts rendered J.B. Stradford and his descendants, including Stradford, insecure in their health and security, and caused a loss of family wealth, status, and security that

continues to affect Stradford to this day and will do so until the nuisance is abated. Defendants' actions also deprived the Greenwood Community of the leadership, capital, business acumen, and jobs that Stradford provided to the residents of Greenwood. This deprivation prevented the adequate rebuilding of Greenwood and ensured that the public nuisance created by the Massacre would continue.

31. **Price** is the descendant and daughter of Massacre survivor Clarence Rowland, who was kidnapped by White men the day after the Massacre which was caused by the Defendants' acts in inciting the Massacre. Rowland was held, beaten, and tortured by the White men for two weeks because he could not tell them the whereabouts of his and Price's cousin, Dick Rowland, who was falsely accused of sexually assaulting a White woman (the false accusation that incited the angry White mob leading to the Massacre). This false accusation tarnished and defamed the Rowland family surname. Additionally, Defendants' actions destroyed Clarence Rowland's property, rendered Rowland and his descendant Price to be insecure in their health and security, and caused Price continuing physical and emotional distress. The destruction of Greenwood and Defendants' active interference in reconstruction efforts have resulted in a loss of family wealth, status, security, and mental and physical health that continues to plague Price to this day and will continue until the nuisance is abated.

32. **Williams** is the granddaughter of Wess Young. Defendants destroyed Young's property and unlawfully detained him against his will at the Booker T. Washington High School. Defendants' actions rendered Young and his descendant Williams insecure in their health and security and caused continuing physical and emotional distress that continues to plague Williams and the Young family to this day and will continue until the nuisance is abated.

33. **M. Adams** is an heir and nephew of Dr. A.C. Jackson. Dr. A.C. Jackson was brutally murdered, and his property looted and destroyed, during the Massacre. Defendants' actions rendered Adams insecure in his health and security and caused continuing physical and emotional distress. Defendants' destruction of Greenwood, murder of Dr. A.C. Jackson, and use of Dr. A.C. Jackson's story, name and likeness for their own benefit and self-aggrandizement has resulted in a loss of family wealth, status, security, and negatively affects M. Adams' mental and physical health that continues to this day and will continue until the nuisance is abated.

34. **W. Adams** is the great-grandson of Attorney H.A. Guess. Defendants looted and destroyed Guess' property. Guess lost clients, income, and his savings as a result of the Massacre. Further, Defendants' actions rendered Guess and his descendants insecure in their health and security, and caused financial, physical, and emotional distress that continues to plague W. Adams to this day and will continue until the nuisance is abated.

35. **S. Williams** is the grandson of Attorney A.J. Smitherman, journalist. Defendants looted and destroyed Smitherman's property. Smitherman, the nationally known and influential publisher, and editor-in-chief of the *Tulsa Star*, was forced into exile, first to escape the White mob, and later from Defendants' fabricated criminal charges. Defendants' actions rendered Smitherman and his descendants insecure in their health and security, and caused continuing financial, physical, and emotional distress that continues to plague S. Williams to this day and will continue until the nuisance is abated. Defendants' actions also deprived the Greenwood Community of the leadership, business acumen, and jobs that Smitherman provided to the residents of Greenwood. This deprivation prevented the adequate rebuilding of Greenwood and ensured that the public nuisance created by the Massacre would continue until today.

36. **Society** includes descendants of Massacre survivors and represents descendants of Massacre survivors by publicizing their ancestors' experiences during the Massacre and ongoing destruction of Greenwood. The Society's work to chronicle the history of the Massacre has been excluded by Defendants as they seek to profit from the Massacre, which has caused emotional distress and financial losses to the Society membership. Defendants' actions have and continue to result in a loss of family wealth, status, security, and mental and physical health that continues to this day and will until the nuisance is abated.

VI. GREENWOOD



Prominent Greenwood residents and business leaders John and Louie Williams pictured in a 1911 Norwalk automobile with their son Bill in this 1912 photo.

37. In 1906, African American community leader O.W. Gurley founded "Greenwood," a community on the northeast side of Tulsa.

38. In May 1921, the Greenwood community and neighborhood was home to more than 10,000 African Americans, as well as hundreds of thriving Black-owned businesses and organizations.

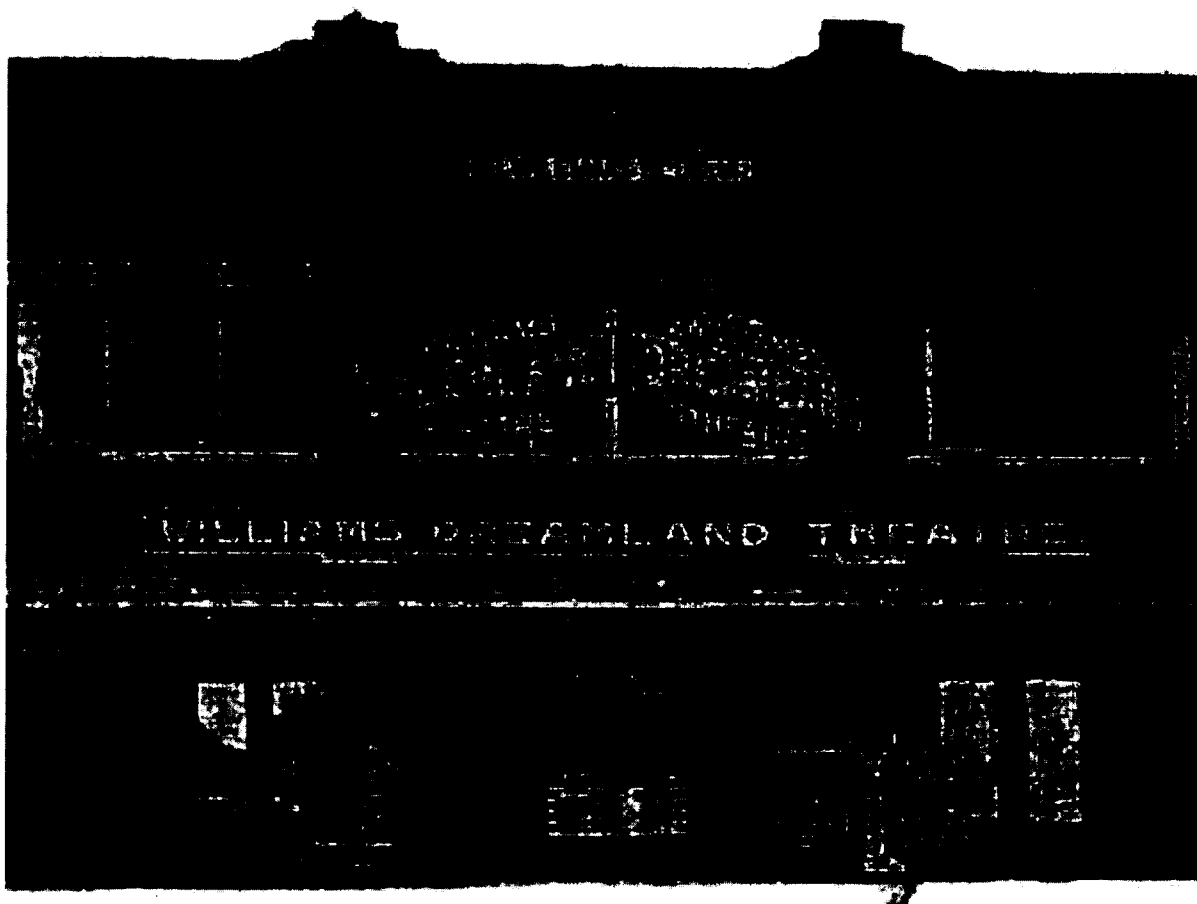
39. Running north out of the downtown commercial district and shaped, more or less, like an elongated jigsaw puzzle piece, Greenwood was bordered by the Frisco railroad yards to the south, by Lansing Street and the Midland Valley tracks to the east, and by Stand Pipe and Sunset Hills to the west.⁹

40. Greenwood was unlike any other Black community in the country. Its founders and residents had successfully created an affluent, self-sufficient, and flourishing community. Much of the land and the structures in Greenwood were owned by Greenwood residents. Black people from around the country visited and relocated to Greenwood to witness and enjoy its prosperity.

41. Gurley and other community leaders played a central role in developing the Greenwood neighborhood and its economy. For example, community leader Attorney J.B. Stradford built the Stradford Hotel, which was known as the largest and finest African American-owned hotel in the United States. Community leader Attorney A.J. Smitherman published the nationally influential Black-owned newspaper, the *Tulsa Star*¹⁰, and served as the President of the *Western Negro Press Association*, the purpose of which was to represent Black newspaper publishers west of the Mississippi and support their efforts to expose racial terrorism. John and Lula Williams built and operated the nationally known luxurious Williams Dreamland Theatre, which many considered the finest Black-owned theatre in America at the time. Those and other community leaders were essential to creating a flourishing community.

⁹ See Map from the Race Massacre Report that shows the Historic Greenwood community (filled in gray) as it existed on May 31, 1921, attached herein as **Exhibit 3**.

¹⁰ The Tulsa Star is widely considered the first Black-owned newspaper to have weekly national circulation.



42. Greenwood residents had everything they needed within the geographic boundaries of their community. Indeed, "Black Wall Street" was so economically self-sufficient that purportedly every dollar that came through it circulated through the community fifty times, and it sometimes took a full year for currency to leave the community.

43. Although Greenwood was not its own municipality, for all intents and purposes it functioned as an independent community since the laws in the state of Oklahoma prevented Greenwood residents from participating in the Tulsa City government.¹¹ Not to be deterred, the residents of Greenwood ran their part of town as a separate entity, and when asked, many identified their hometown as Greenwood, not Tulsa.

¹¹ Race Massacre Report at vi.

44. Noted Greenwood historian Scott Ellsworth described Greenwood's business district and neighborhoods before the Massacre:

The black population had grown to almost 11,000 and the community counted two black schools, Paul Laurence Dunbar and Booker T. Washington, one black Hospital,¹² and two black newspapers, *The Tulsa Star* and the *Oklahoma Sun*. [Greenwood] at the time had some thirteen churches and three fraternal lodges—Masonic, Knights of Pythias, and I.O.O.F.—plus two black [movie] theaters and a black public library.... Two- and three-story brick buildings lined the avenue, housing a variety of commercial establishments, including a dry goods store, two theaters, groceries, confectionaries, restaurants, billiard halls... [and] offices of Tulsa's unusually large number of Black lawyers, doctors, and other professionals.... Along Detroit Avenue and certain other streets were the neat, sturdy homes of some of those Black Tulsans who owned businesses lining Greenwood Avenue, augmented by the houses of the city's Black professional class.¹³

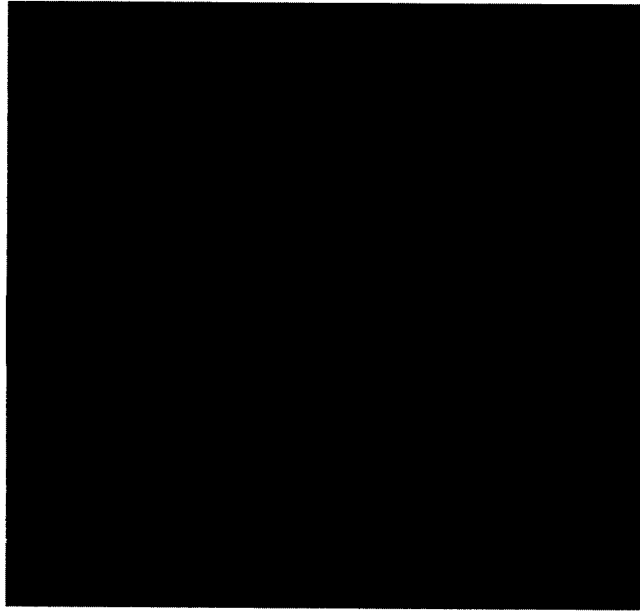
45. In Greenwood, Black residents achieved a measure of independence, were able to come and go as they pleased, to work for whom they wished, and to build lives of their own. Black Wall Street was as much of an idea as it was a place.

¹² Currently, there are no hospitals to serve the majority Black residents of North Tulsa/Greenwood, while there are multiple hospitals that serve the majority White residents of South Tulsa. See Map of North Tulsa, OK, GOOGLE MAPS, <http://www.google.com/local?hl=en&lr=&ie=UTF-8&q=hospitals&near=Tulsa,+OK&oi=localr>.

¹³ SCOTT ELLSWORTH, *DEATH IN A PROMISED LAND* 14 (1982).

VII. TULSA RACE MASSACRE

Tulsa Tribune Incites The Massacre



46. On or about May 31, 1921, Tulsa City police arrested a 19-year-old resident of the Greenwood community, Dick Rowland, on charges of assaulting a woman.

47. The *Tulsa Tribune*¹⁴ (“*Tribune*”) published a false and inflammatory article entitled “Nab Negro for Attacking Girl In an Elevator,” which accused Rowland of attempting to rape the White woman, scratching her hands and face, and tearing her clothes.

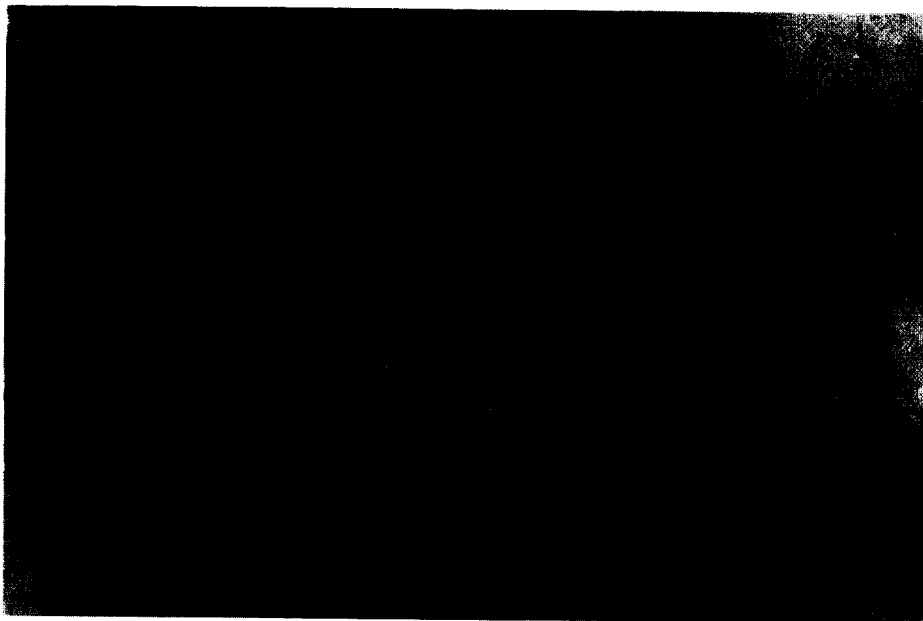
48. The *Tribune* also published an editorial that encouraged White people in Tulsa “To Lynch a Negro Tonight.”

49. The *Tribune*’s false and inflammatory reporting endangered Rowland’s life and fueled the formation of an angry White mob that led to the Massacre.

¹⁴ The Tulsa World purchased the Tribune in 1992 for nearly \$30 million, and is the successor-owner of the Tribune.

Defendants Deputize and Arm White Residents

50. By 10:00 p.m. on May 31, the Tulsa police station was filled with a mob of armed, angry White people—overwhelmingly male. The police deputized and armed male civilians without regard for the safety and security of the African American residents of Greenwood. They kept no record of which civilians were issued weapons. Instead, the police department ordered deputies and non-deputies alike to “go home, get a gun, and get a nigger.”¹⁵ After the Massacre, the City’s Police Chief pleaded in the pages of a white Tulsa newspaper for the return of guns, stating they were issued with the understanding that they would be returned when the need for them passed.



51. City, County, and Chamber officials also sought the assistance of the local State National Guard units.

¹⁵ Race Massacre Report, at 64.

52. A local State National Guard commander arrived with two officers and sixteen men at approximately 10:30 p.m. They went to the police station, where they began working in conjunction with the police.

53. Throughout the night of May 31, 1921 into June 1, 1921, the White mob, including men newly deputized by the City and County, came across the Frisco railroad yard into Greenwood. Although outnumbered, the African American residents fought to keep them out, but the Whites forced their way into Greenwood, shooting, wounding, and killing many African Americans, and burning down everything in their path.



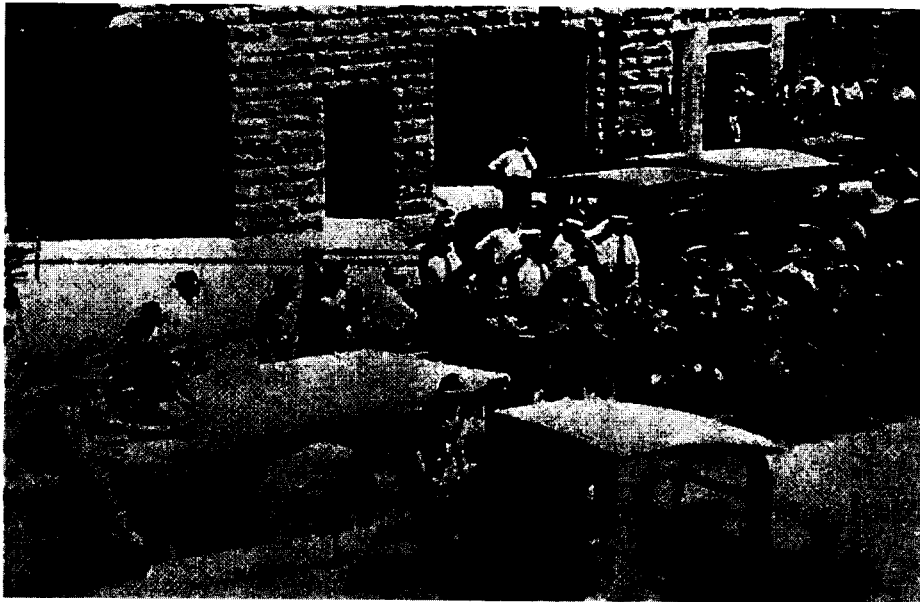
54. State National Guardsmen fired upon a number of African American Greenwood residents in the process of responding to the "Negro uprising."¹⁶ Sometime after 11:00 p.m., twenty Guardsmen arrived at the police station, where they had set up headquarters. They

¹⁶ The Massacre was falsely called a "Negro Uprising" by Defendants.

guarded the border between White Tulsa and the African American Greenwood District for several hours.

55. Some African Americans attempted to organize an effort to defend themselves against the oncoming mob, which included newly deputized members of the police department, on Brickyard Hill between Haskell and Jasper Streets.

56. Between the hours of 1:00 a.m. and 2:00 a.m., J.B.A. Robertson, the Governor of Oklahoma, declared martial law throughout Tulsa County.



57. The Guard, which had been instructed by the Governor to protect Greenwood residents and restore order, instead joined the rioters, acting "like wild men."¹⁷

58. This White mob, containing newly deputized members of the police department and Guardsmen, outnumbered and shot the African American men stationed at Paradise Baptist Church.

¹⁷ Race Massacre Report at viii.

59. At Sunset Hill, located on the northwest side of Greenwood, the White mob advanced on the African Americans living there and fired at will for nearly half an hour. Before advancing on Greenwood, they shot the African American men, women, and children who hid behind barricades to defend their homes. The White mob also attacked African Americans barricaded in a concrete store in the northeast corner of Greenwood. The Guardsmen fought alongside those newly deputized by the City and County, killing African Americans.

60. Defendants used airplanes, including those owned and operated by Sinclair Oil Corporation, to track down and menace Greenwood residents, shoot at and kill Greenwood residents, relay the location of Greenwood residents to the Defendants' ground forces, and drop incendiary materials and bombs on the streets, homes, businesses, and people of Greenwood.

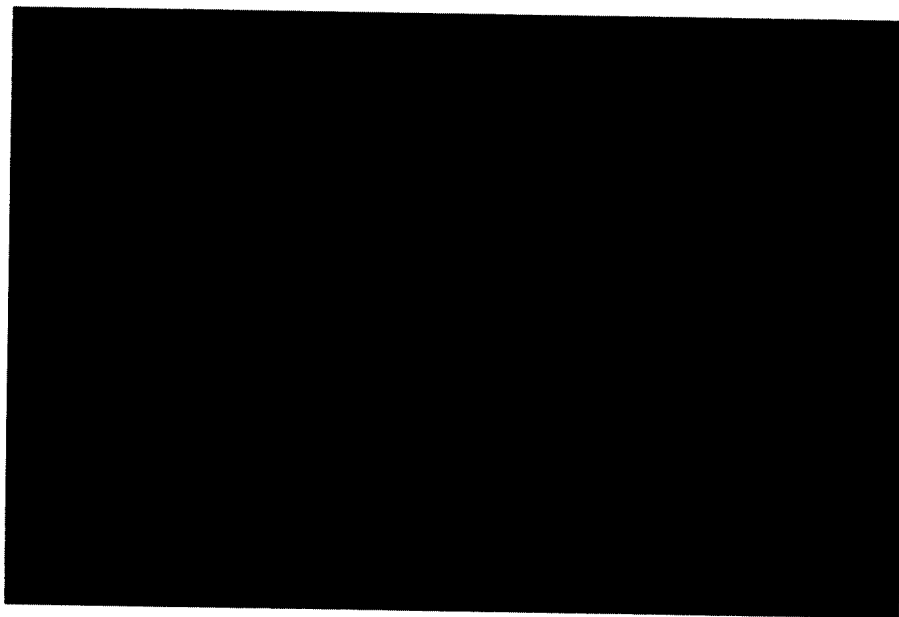
61. At 5:00 a.m., on the morning of June 1, 1921, a whistle blew as a signal to the White mob, authorizing individuals newly deputized by the City and County, as well as the fresh National Guard troops, to enter Greenwood.

62. Brigadier General Charles F. Barrett, who was in charge of the National Guard brigade, stated that, on the morning of June 1, 1921, he witnessed a rioting White mob in Greenwood, which was by now on fire. The National Guard marched through the crowded streets. Brigadier General Barrett described scared and partially clothed African American men, women, and children paraded through the streets under heavily armed guard.



63. Brigadier General Barrett wrote that, "In all my experience, I have never witnessed such scenes that prevailed in this city when I arrived at the height of the rioting 25,000 whites, armed to the teeth were ranging the city in utter and ruthless defiance of every concept of law and righteousness. Motorcars bristling with guns swept through your city, their occupants firing at will."¹⁸

¹⁸ CHARLES F. BARRETT, OKLAHOMA AFTER FIFTY YEARS: A HISTORY OF THE SOONER STATE AND ITS PEOPLE 1889-1939 (1941).



64. Maurice Willows, the Director of the local Red Cross, stated that, "All that fire, rifles, revolvers, machine guns, and inhuman bestiality could be done with 35 city blocks with its 10,000 Negro population, was done."¹⁹

65. The shooting had ceased by 11:00 a.m. on June 1 because the African American Greenwood residents had been killed, placed in "protective custody," or driven out. Even after the Massacre ceased, the newly deputized White citizens were told that they were to "go out and shoot any nigger you see, and the law'll be behind you."²⁰

66. Valiant efforts by Greenwood residents to defend their community from this brutal attack were unsuccessful. They were substantially outnumbered and outgunned.

67. This angry White mob attacked Greenwood, killing hundreds of Greenwood's residents, looting their homes and businesses, and reducing an approximately 40-square-block area (4 square miles) of homes and businesses to ash and rubble. Hundreds of Greenwood residents died.

¹⁹

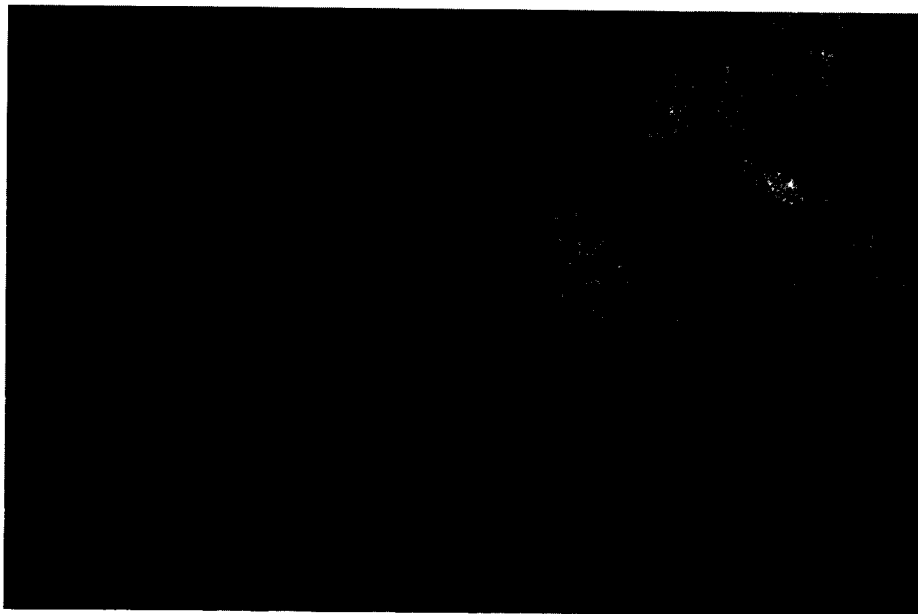
Id.

²⁰

R. HALLIBURTON, JR., *THE TULSA RACE WAR OF 1921* 10 (1975).

Thousands more were injured. Still thousands more were left homeless—many forced to flee Tulsa never to return. Many were simply never heard from again.

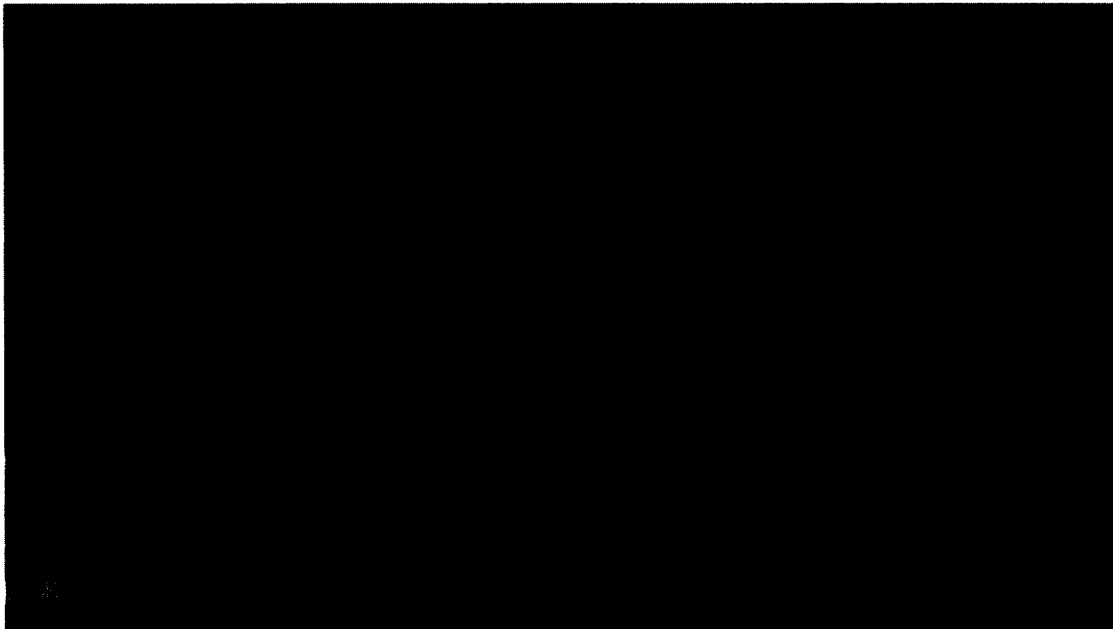
68. Various City, Chamber, and County officials including officers of the Defendant City's Police Department, and members of the County Sheriff's office, unreasonably, unwarrantedly, and/or unlawfully, participated with the angry White mob, killing African American Greenwood residents.



69. The newly deputized members of the Tulsa Police Department, County Sheriff's office, City, Chamber, and County officials also committed arson on almost fifteen hundred Greenwood residents' homes and businesses. One witness, Judge John A. Oliphant, testified that, "Instead of protecting property, they were the chief fellows setting fires."²¹ Those fires completely engulfed Greenwood, so much so that Massacre survivor Alice Andrews stated, "It looked the world was on fire."²²

²¹ Race Massacre Report at 160 (citing Testimony of John A. Oliphant 2, Attorney General's Civil Case Files, RG 1-2, A-G Case No. 1062, Box 25 (Oklahoma State Archives)).

²² EDDIE FAYE GATES, THEY CAME SEARCHING: HOW BLACKS SOUGHT THE PROMISED LAND IN TULSA 43(1997).



70. Defendants' wanton acts of destruction, violations of their public duties, and unlawful, unwarranted, and unreasonable use of their property during the Massacre did more than deprive hundreds of residents of the Greenwood neighborhood of their lives. Those who survived were robbed of their homes, personal property, livelihoods, dignity, community leaders, sense of safety, physical security, economic capital, and consequently the exercise of their right to self-determination,²³ the basis upon which they created this successful community.

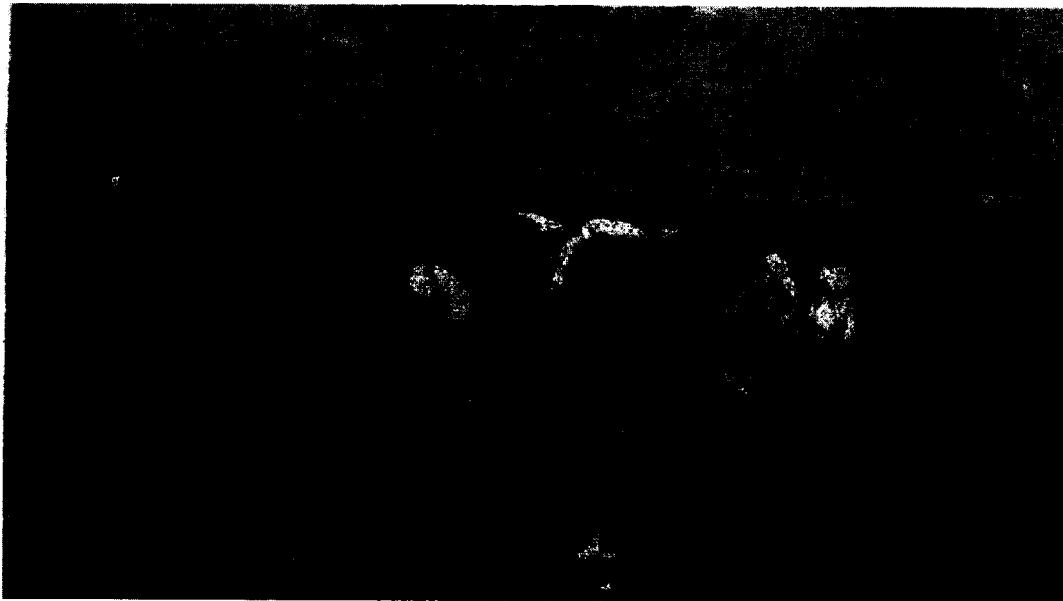
71. In arming and allowing its police officers, National Guard troops, and deputized White residents to engage in the aforementioned conduct, City, County, and State elected leaders breached their duty to protect the security of all Tulsa residents without regard to race, and affirmatively acted to injure and endanger the comfort, repose, health, safety, lives and property of Greenwood's African American residents.

²³ See OKLA. CONST. ART. II, § 2.

72. White people who chose to participate in this raging White mob, including City, County, Chamber, and State officials and other residents, are responsible for these acts of terror and the public nuisance it has created.

73. The Massacre was not simply an act of domestic terrorism; it was an economic, social, and cultural human-made disaster for the Greenwood neighborhood, a community of the City of Tulsa.

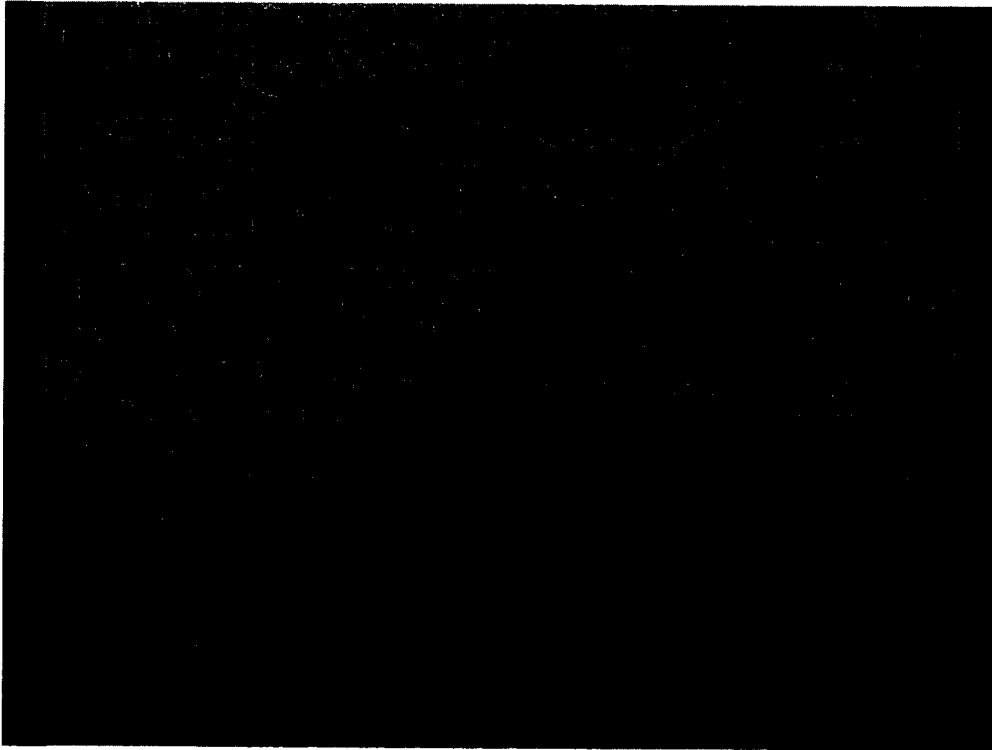
74. Overnight, more than 9,000 Black people were left homeless and almost 1,500 homes and businesses were destroyed.



75. Defendants were responsible for stealing and destroying personal property [then-]worth millions of dollars.

76. Defendants' actions, in addition to murdering hundreds of Greenwood community members and destroying residences and businesses, tore families and social networks apart and destroyed the community's leadership structure.

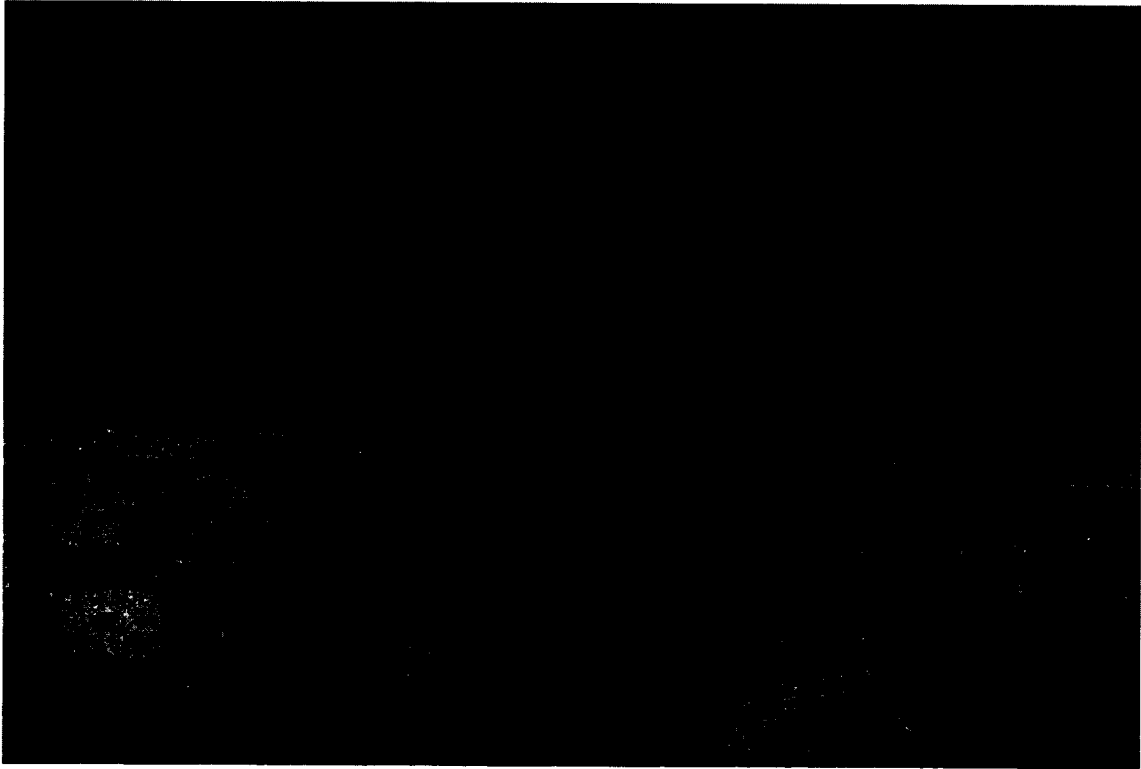
77. Estimates of the property damage alone suffered by the residents of Greenwood are between \$50-100 million in today's currency. Over 150 businesses were destroyed and over 1,200 houses burned down.



78. The looting of valuable personal property owned by Plaintiffs and thousands of other Greenwood residents was so widespread that the White mob carefully stripped homes and businesses of all valuables before setting fire to the structures. The heartbreaking experience of Massacre survivor Dr. Robert Bridgewater and his wife, Mattie, who lived at 507 N. Detroit paints a harrowing picture of the savagery of the Defendants:

Returning to his home — after being held at Convention Hall — in order to retrieve his medicine cases, Dr. Bridgewater later wrote, “On reaching the house, I saw my piano and all of my elegant furniture piled in the street. My safe had been broken open, all of the money stolen, also my silver ware, cut glass, all of the family clothes, and everything of value had been removed, even my family Bible. My electric light fixtures were broken, all of the window lights and glass in the doors were broken, the dishes that were not

stolen were broken, the floors were covered (literally speaking) with glass, even the phone was torn from the wall.”²⁴



VIII. THE MASSACRE'S CONTINUING INJURIES

Trauma

79. The Massacre had, and continues to have, a severe impact on the comfort, repose, health, and safety of the Greenwood neighborhood and Greenwood community of Tulsa.

80. Defendants, having unreasonably, unwarrantedly, and/or unlawfully and maliciously destroyed the comfort, repose, health, and safety of the Greenwood neighborhood and Greenwood community, had a duty of care to provide resources to mitigate the damage and

²⁴ See Race Massacre Report at 83-84.

trauma they caused. Defendants breached that duty by instead piling trauma upon trauma through a conspiracy of silence that lasted for seventy-five years.

81. Defendants continued, through various unreasonable, unwarranted, and/or unlawful acts and omissions, to thwart the Greenwood community's efforts to rebuild and recapture a community that promoted residents' economic, social, physical, and financial well-being. Defendants' actions over the next ninety-nine years excluded Greenwood community members and the predominantly Black North Tulsa community members from participating in decisions that affected their health, safety, peace, and the community's shared social, economic, and cultural affairs.

82. In the immediate aftermath of the Massacre the Chamber was given charge of Tulsa while it was under martial law. The Chamber formed the Public Welfare Board, all members of which were White. The failure to include any Greenwood residents precluded the Greenwood community from influencing public efforts at reconstruction.

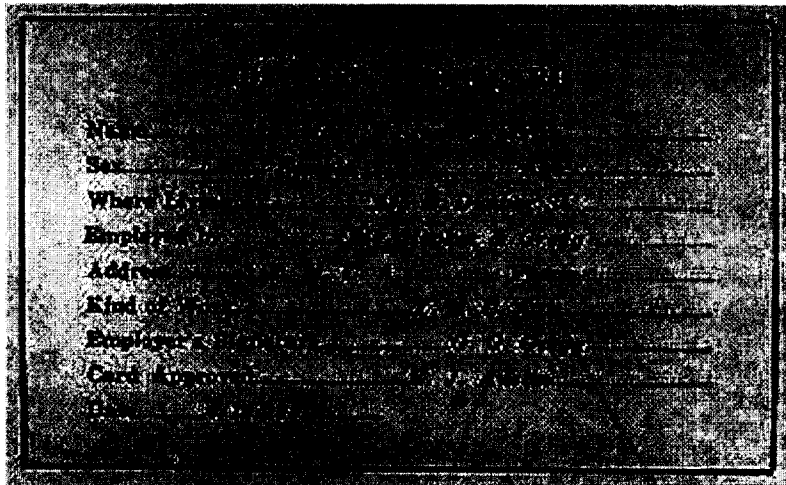
83. Under the authority of the Public Welfare Board, more than 5,000 Greenwood residents were forcefully detained in what the *Tulsa World* called "concentration camps."²⁵ Those camps, including the Ballpark and Convention Center, were guarded by armed White men including the City's police and members of the National Guard. Members of the Greenwood community were only able to leave these camps if a White person sponsored them, vouching for their good character.

84. The "paroled" Greenwood community members were required to wear or carry a green card bearing their White employer's name while out of the camp. Many Greenwood community

²⁵ 5,000 Negroes Held in Fairgrounds Camp, *TULSA DAILY WORLD*, Jun. 2, 1921, <https://chroniclingamerica.loc.gov/lccn/sn85042345/1921-06-02/ed-1/seq-2/>.

residents were forced to work for their White employer under threat of violence and without pay. Those conditions amounted to a badge of slavery.

85. Defendant Chamber used its property, including money, to secure and pay for the green cards that the City of Tulsa and the State of Oklahoma's National Guard required every African American adult to carry. Those green cards were adorned with the words "Police Protection" printed on one side, and various other data recorded on the other, including the person's name, address, and employer. Defendant City issued an order that "any black found on the street without a green card properly filled out was arrested and sent back to the detention camp."²⁶



86. The *Tribune* celebrated the Defendants' use of the green cards writing, "As always it is the bad who bring misfortune on the good. The bad negro is not helping the cause of his people in any community when he tries mob rule with gun in hand. The city does just what it should do when it gets rid of the negro who cannot give a good account of both his time and conduct."²⁷

87. In addition, Defendants Chamber, City, and National Guard required African Americans to work their way out of custody by cleaning up the destruction caused by the angry White mob.

²⁶ SCOTT ELLSWORTH, *DEATH IN A PROMISE LAND: THE TULSA RIOT OF 1921* 75 (1982).

²⁷ *Get a Green Card*, TULSA TRIBUNE, June 8, 1921.

At some time on June 2, Brigadier General Barrett issued Field Order Number 4, which decreed that “all able bodied [N]egro men remaining in detention camp at the Fairgrounds and other places in the City of Tulsa [would] be required to render such service and perform such labor as [was] required by the military commission.”²⁸ The African American Greenwood residents were treated like chattel, reminiscent of slavery.

Prevented Rebuilding and Expansion

88. From the Massacre until the present day, the Defendants have imposed or supported policies that stifled the ability of all Greenwood residents impacted by the Massacre to rebuild and thrive, except to the extent that development and preservation would benefit the parts of Tulsa that are predominantly White. Defendants’ continuing unreasonable, unwarranted, and/or unlawful acts and omissions violated Greenwood and subsequently Black North Tulsa residents’²⁹ constitutional right to equal protection under Oklahoma law, rendering them insecure in their lives and property. Defendants curtailed economic, social, and cultural opportunities in the Greenwood and North Tulsa communities, redirecting those benefits to White businesses and institutions in other parts of Tulsa, to the detriment of African Americans in Greenwood and North Tulsa, whose well-being in all areas of life was endangered.

89. The Massacre and its ongoing marginalization of Black Tulsans constitute racial terrorism and inflict “deep traumatic and psychological wounds on survivors, witnesses, family members, and the entire African American community.”³⁰ The emotional and mental trauma of

²⁸ Gerald Jerome Smith, *Constitutionality of States’ Use of Police and Military Force to Arrest, Detain, and Confine American Citizens Because of Race*, 27 OKLA. CITY U. L. REV. 451, 454-55 (2002).

²⁹ Due to the City of Tulsa’s segregation laws, almost all Black Tulsans lived in the Greenwood community until the 1960s. What we now know as North Tulsa was an all-White community until the forced removal of Black residents from Greenwood to North Tulsa. Today, the vast majority of Black Tulsans live in North Tulsa by the design of the Defendants as explained herein.

³⁰ *Lynching in America: Confronting the Legacy of Racial Terror*, EQUAL JUSTICE INITIATIVE (2017), <https://eji.org/reports/lynching-in-america/>. See also Tori Deangolis, *The Legacy of trauma: An emerging line of research is exploring how historical and cultural traumas affect survivors’ children for generations to come*, AMERICAN PSYCHOLOGY ASSOCIATION, (February 2019), <https://www.apa.org/monitor/2019/02/legacy-trauma>.

the Massacre is so severe that 107-year-old Mother Fletcher and 107-year-old Mother Randle are both able to vividly recall and describe what they saw, heard, and smelled during the massacre and how the Massacre impacts them today.

90. In the days and weeks following the Massacre, City and County officials and local White businessmen, including members of the Chamber, engaged in unreasonable, unwarranted, and/or unlawful acts and courses of conduct designed to prevent reconstruction of the Greenwood neighborhood and community.

91. In the immediate aftermath of the Massacre, Defendant City, County, and Chamber met with Brigadier General Barrett to coordinate the local response to the Massacre. The meeting was held in the City Hall of the City of Tulsa.

92. Defendants tasked the Chamber to create a Public Welfare Board (“Board”) to respond to the Massacre.

93. Knowing the Massacre injured the reputation and standing of the whole of Tulsa and its White citizens, Defendants colluded in a campaign to cover up the true nature of the destruction of Greenwood, characterizing the Massacre as a “race riot” to misrepresent the attack and extent of the damage.

94. For example, in a statement to the local newspaper a day after the Massacre, Alva J. Niles, President of Defendant Chamber at the time, falsely blamed the Massacre on “a group of negroes exhibiting a spirit of lawlessness.”³¹ T.D. Evans, then mayor of the City, stated, “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 who seek to put half the blame

³¹ *Okla. Historian, Hannibal Johnson, Gives Annotation of 1921 Tulsa Chamber Meeting Minutes*, THE BLACK WALL STREET TIMES, June 30, 2020, <https://theblackwallsttimes.com/2019/05/28/okla-historian-hannibal-johnson-gives-annotation-of-1921-tulsa-chamber-meeting-minutes/>. (Last visited August 4, 2020).

on the white people are wrong and should be told so in no uncertain language.”³² The *Tribune* wrote “in this old ‘Niggertown’ were a lot of bad niggers and a bad nigger is about the lowest thing that walks on two feet... Well, the bad niggers started it.”³³

95. Those statements embodied the City of Tulsa’s actions in covering up the true causes of the Massacre by asserting that “people with no authority were quickly armed,” rather than acknowledging that the White mob was in fact deputized by the Defendants.

96. Next, to deflect the negative attention the Massacre was causing, the Defendants promised in statements to the press, “to formulate a plan of reparation in order that homes may be built ... as quickly as possible rehabilitation will take place and reparation made.”³⁴

97. However, not only did the Defendants not compensate the victims of the Massacre, through the Chamber’s Public Welfare Board, Defendants affirmatively rejected monetary aid from around the country that was intended to assist Greenwood residents displaced as a result of the Massacre. In fact, a \$1,000 contribution from the *Chicago Tribune* was returned by Defendants City and Chamber.³⁵

98. While members of the Greenwood community of Tulsa were forcefully interned, Defendants City, County, and Chamber unreasonably, unwarrantedly, and/or unlawfully pushed for and enacted changes in fire regulations and zoning laws that illegally deprived Greenwood community members of their property without due process of law. The goal of this unreasonable, unwarranted, and unlawful scheme was to move the Black residents of Greenwood further north, away from the White-owned Tulsa downtown district.

³² See generally TULSA TRIBUNE, June 14, 1921. The blaming of Black victims for their own death when harmed by the City is still the dominant policy and practice today.

³³ *It Must Not Be*, TULSA TRIBUNE, June 4, 1921.

³⁴ *City to Meet Demands of Own Purse*, TULSA TRIBUNE, June 3, 1921.

³⁵ *See Dallas Offers Assistance*, TULSA WORLD (June 4, 1921).

99. According to the then Tulsa Director of the Red Cross, Maurice Willows, Defendants made a concerted effort to create “public sentiment which would force the negroes to rebuild in a section somewhere outside the city limits.”³⁶

100. In what appears to be one of the Public Welfare Board’s first official actions, it appointed the Tulsa Real Estate Exchange and charged it with appraising the properties that were burned in the Massacre. Among those appointed to the exchange was W. Tate Brady—a known member of the Ku Klux Klan and one of the deputized armed White men who terrorized Greenwood on the night of the Massacre.

101. On June 3, 1921—hardly two days after the Massacre had ended—the *Tulsa World* reported that around noon on the day before, the Exchange considered “the practicability of converting the burned area into an industrial section with the result that the negro district would be removed to . . . the northeast [North Tulsa].”³⁷

102. The *Tribune* published the Exchange’s written proposal:

We believe that the vacant lots with proper railroad facilities will bring enough money to enable the negroes to build in a more removed section. We further believe that the two races being divided by an industrial section will draw more distinctive lines and thereby eliminate the inter-mingling of the lower elements of the two races, which in our opinion is the root of the evil which should not exist.³⁸

103. Many Greenwood residents lived on the sites of the internment camps for over a year in squalid conditions while awaiting reconstruction.

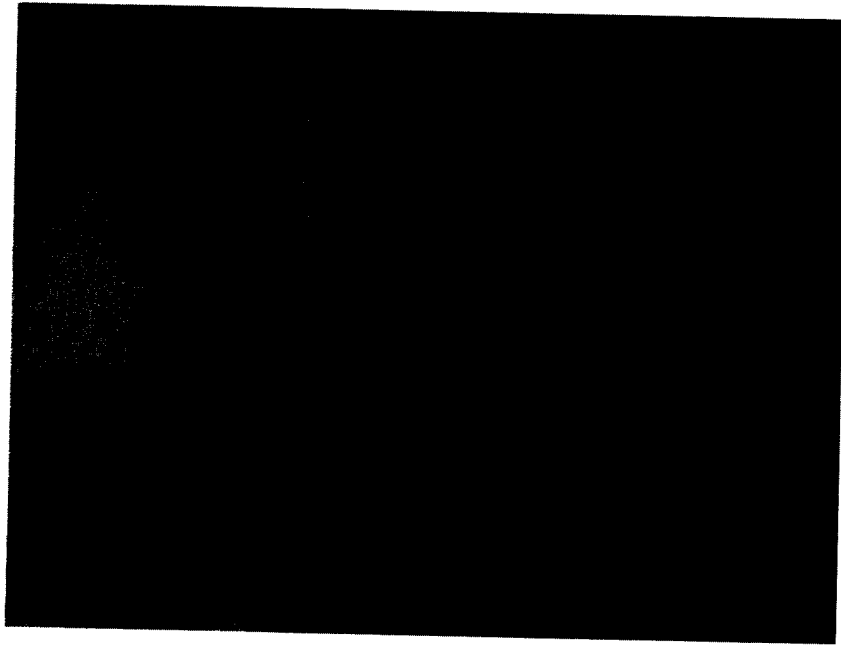
104. The zoning change, eventually declared unlawful by the Oklahoma Supreme Court, made reconstruction efforts prohibitively costly for Greenwood residents. The Oklahoma Supreme

³⁶ Rob Hower, 1921 TULSA RACE RIOT: THE AMERICAN RED CROSS-ANGELS OF MERCY 183 (1998).

³⁷ *Plan to Move Negroes Into New District*, TULSA TRIBUNE, June 3, 1921, at .

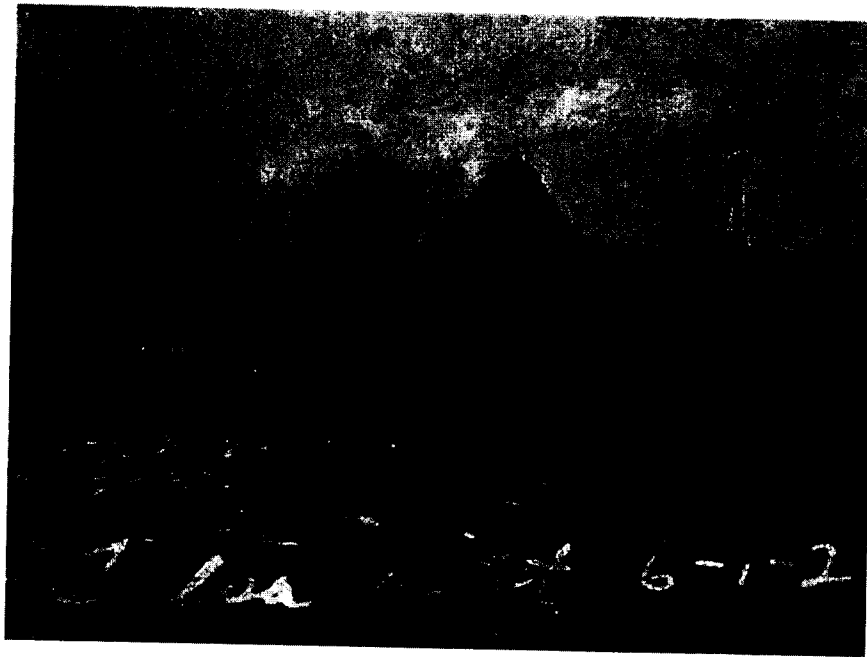
³⁸ *To Appraise All Loss by Negroes*, TULSA WORLD, June 3, 1921, at 1, <https://chroniclingamerica.loc.gov/lccn/sn85042345/1921-06-03/ed-1/seq-1/>.

Court struck down the zoning ordinance in response to an expensive and time-consuming lawsuit brought by Massacre survivors that further drained their limited resources for rebuilding.



After the 1921 Tulsa Race Riot, attorney B.C. Franklin (right) set up his law office in a tent. At left is I.H. Spears, Franklin's law partner. COURTESY Tulsa Historical Society.

105. The unreasonable, unwarranted, and unlawful ordinance caused a months-long delay in the rebuilding efforts. Defendants' unreasonable, unwarranted, and unlawful actions left survivors of the Massacre to live in makeshift tents as their shelter into the winter, subjecting them to cold, filth, and disease for up to a year after the Massacre.



106. Defendants' material misrepresentations also prevented Greenwood residents, including business owners, from collecting on insurance policies, leaving them no choice but to use any savings and capital they had or undertaking exorbitant debt to rebuild.

107. The County convened an all-White Grand Jury to determine whether there should be indictments related to the Massacre. This Grand Jury only indicted residents of Greenwood for causing the Massacre—people who had their homes and businesses destroyed by the angry White mob. The Grand Jury also called for more aggressive policing of Black people in Tulsa, a practice which continues to this day.

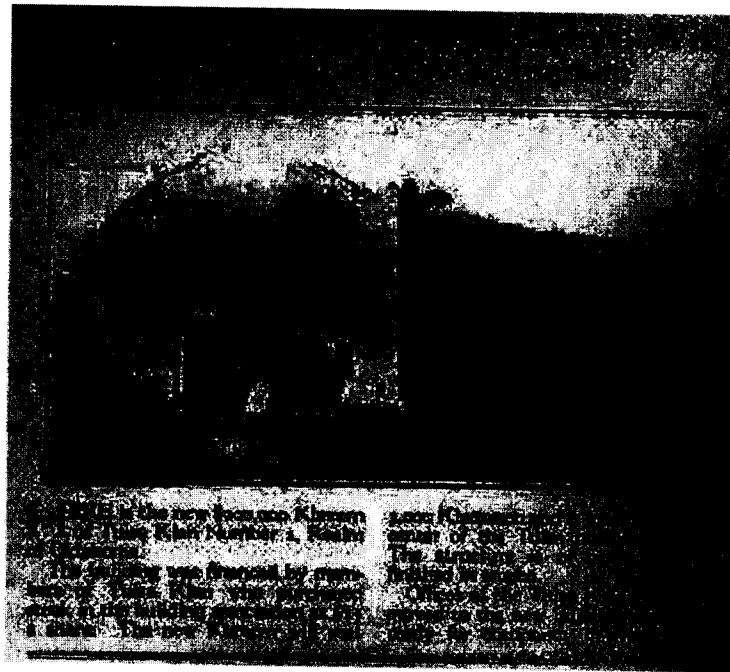
108. The *Tribune* openly praised the destruction of “Old Nigger Town” and advocated for the Defendants to never allow Black residents to rebuild Greenwood to its former glory. The ongoing gentrification of Greenwood is evidence that the Defendants wholeheartedly adhered to the *Tribune*'s call, and continue to do so.

109. As a result, the Greenwood community suffered economic ruin, which robbed Greenwood descendants of their rightful inheritance, and the wealth, financial security, and real, personal, and intellectual property they would have had but for the actions of Defendants.

**Defendants Continued to Support Acts that Undermined the Safety and Security of
Greenwood Immediately After the Massacre**

110. In the years following the Massacre, the Defendants continued their unreasonable, unwarranted, and/or unlawful course of conduct to maintain the nuisance they created and prevent Greenwood residents from fully recovering from the Massacre.

111. Defendants supported the Greenwood community being terrorized by racist threats in the form of the Ku Klux Klan ("KKK"), including by participating in the KKK's overt public displays. In fact, all five of the men who incorporated the Tulsa KKK in January 1922 were prominent leaders of the City, County, and Chamber. Just two months later, in March 1922, Greenwood resident John Smitherman, brother of A.J. Smitherman, was kidnapped, beaten, and mutilated by the Tulsa KKK. John Smitherman's "crime" was registering Greenwood residents to vote. No one was charged or arrested for the attack on John Smitherman. The Defendants knew that some of their officers and employees were active in the Tulsa KKK, enhancing the sense of insecurity caused by the Massacre that continues to this day for Black Tulsans.



112. In 1923, Defendants again used zoning laws to impede the reconstruction of the Greenwood neighborhood. Defendants enacted a comprehensive zoning plan that designated Greenwood for industrial use, while Black Tulsans, due to racially discriminatory laws and City-sanctioned practices, were prohibited from moving outside the Greenwood neighborhood. This caused overcrowding in Greenwood for the decades that followed. Defendants' unreasonable, unwarranted, and/or unlawful acts and omissions drove up rent prices and mortgage rates to levels most Greenwood residents could barely afford. For residents of the Greenwood neighborhood, housing costs became an outsized portion of their budgets. Due to the high costs of loans and lack of basic resources for repair, many homes in Greenwood were virtually makeshift shacks.

113. Following the Massacre up through the 1950s, Defendants unreasonably, unwarrantedly, and/or unlawfully neglected their duty to provide public services, utilities, and amenities to the Greenwood neighborhood, such as paved streets, running water, sewers, and regular trash

pickup, or a comparable number of parks and playgrounds. Defendants actions created and ensured that many of the Black residents of Greenwood lived in ghetto-like conditions.³⁹

114. Discussing the ghetto-like living circumstances Defendants caused in Greenwood, resident Dr. Charles Bate, a Black physician who moved to Tulsa in 1940, recalled that during the 1940s:

There were about 20,000 blacks in an area about less than four square miles. I had never seen living conditions in a city like they were in Tulsa. [There were] 25 foot lots with 3 houses on one lot. And you'd have to go through the first two houses to get into the last house. There were outdoor privies everywhere. And none of the streets were paved in the Negro area of Tulsa... They didn't get paved up until the late 40s or 50s. Just mud streets everywhere. And very narrow.⁴⁰

115. In 1958, the Tulsa Urban League published a report entitled "A Concise Review of Housing Problems Affecting Negroes in Tulsa" that documents those concerns as follows:

Since the race riot of 1921, a critical shortage of this type [suitable] housing, almost to the point of non-existence, forced Negroes who desired better housing but could not afford new houses to remain in shacks or in blighted old houses...for Negro Tulsans, the slums...where at least 65% of the Tulsa Negroes still live, cannot be ignored. Much of the housing in the Negro slum areas is substandard and inadequate in basic structure and sanitary facilities. Shacks constructed from building material scraps and tarpaper serve as shelter to many Tulsa Negro families. Old buses have been parked and converted to resident uses. Unscreened windows provide easy access for flies and vermin. In dilapidated apartment buildings and rooming houses, baths are often shared by the occupants of as many as five to twenty dwelling units. Many dwelling units have no running water and no sewer connections for sinks and water closets...The 1950 census indicated that over-crowding was a big problem in Tulsa Negro localities and the situation has not improved to the present date.⁴¹

³⁹ "The Slums are the handiwork of the vicious system of white society. Negroes live in them, but they do not make them any more than a prisoner makes a prison." Dr. Martin Luther King, Jr., *The Crisis in America's Cities*, THE ATLANTIC (1967), <https://www.theatlantic.com/magazine/archive/2018/02/martin-luther-king-jr-the-crisis-in-americas-cities/552536/>.

⁴⁰ Dr. Bate was a physician who came to Tulsa in 1940. He was the first African American admitted to the Tulsa County Medical Society, and was a leader in the Greenwood and Black North Tulsa community for many years. See Dr. Charles Bate interview by Cherie Poyas for the Junior League of Tulsa, May 6, 1980, Tulsa City-County Library, last accessed Jan. 21, 2021, <http://digitalcollections.tulsalibrary.org/digital/collection/p15020coll10/id/136>.

⁴¹ *A Concise Review of Housing Problems Affecting Negroes in Tulsa*, TULSA URBAN LEAGUE (1958), <http://digitalcollections.tulsalibrary.org/digital/collection/p16063coll1/id/5360/>.

116. Defendants' unreasonable, unwarranted, and/or unlawful acts, course of conduct, and omissions in the years and decades following the Massacre blighted the Greenwood neighborhood, endangering the health and safety of the Greenwood community. The City and County, working in tandem and under the direction of the Chamber, engaged in unreasonable, unwarranted, and/or unlawful acts and violations of duty, which led to a lack of adequate and code-compliant housing during the 1950s that continues to this day.

117. The City and County, after participating in the burning and looting of Greenwood, refused to enforce housing codes, and thereby neglected their duty to ensure that Greenwood residents had access to suitable housing. Their unreasonable, unwarranted, and/or unlawful acts and violations of their municipal duties made houses prone to rapid deterioration and led to substandard conditions and blight that threatened the health, comfort, and safety of the Greenwood neighborhood and community and rendered residents insecure in their lives and property.

118. Defendants' refusal and interference with investment in the Greenwood and the North Tulsa communities and neighborhoods, which began after the Massacre, continues to this day. There is still no viable public infrastructure in these communities. For example, the Defendants have yet to replace or compensate for hundreds of structures and other institutions destroyed during the Massacre, like J.B. Stradford's luxurious and famous Stradford Hotel, A.J. Smitherman *Tulsa Star* newspaper, or O.W. Gurley's vast real estate empire.

119. Since the Massacre, Defendants have unreasonably, unwarrantedly, and/or unlawfully oppressed and undermined the Greenwood and larger predominantly Black North Tulsa community in Tulsa, diverting resources to other communities to the detriment of the health, safety, and security of the Black communities in Tulsa.

120. Defendants have unreasonably, unwarrantedly, and/or unlawfully failed to provide material support for rebuilding the Black businesses, homes, schools, and hospitals and recapturing the wealth and ready access to services destroyed in the Massacre. Instead, Defendants continue to neglect their obligation to abate the nuisance they created to the detriment of the Black residents of the Greenwood and North Tulsa communities, focusing instead on providing opportunities for overwhelmingly White-owned and run businesses, organizations, and nonprofits.⁴²

121. The latest version of the City's business plan is to profit off the Massacre by "leveraging the history" to create a tourist attraction for the benefit of the Defendants and their White Tulsa business and wealthy allies.

122. In addition to the direct economic losses that resulted from the Massacre, the Greenwood community suffered other severe losses that destroyed the integrity of the community and contributed to the public nuisance that continues today.

Destroyed Wealth, Human Capital, and Economic Assets and Opportunities

123. The Massacre had a disastrous economic impact on Greenwood and its residents.

124. At least one third of those businesses destroyed in the Massacre were not reopened after the Massacre. Today, none of the businesses operating in Greenwood before the Massacre exist.⁴³

⁴² As Guy Troupe, a successful Black entrepreneur whose family survived the Tulsa Massacre, recently told the *Washington Post*: "Two or three powerful [White] groups own the land. I've tried to forge a relationship with them to no avail. The only relationship they want is to lease. There is no offer of equity....Who owns in there? It is not us." Tracy Jan, *The 'Whitewashing of Black Wall Street'*, WASH. POST, Jan. 17, 2021, <https://www.washingtonpost.com/business/2021/01/17/tulsa-massacre-greenwood-black-wall-street-gentrification/?arc404=true>.

⁴³ It should be noted that there are at least 20 White-owned businesses that existed at the time of the Massacre that are still in operation. "Find out which businesses have survived at least 100 years in Tulsa, TULSA WORLD, Dec. 21, 2018, https://tulsaworld.com/business/photo-gallery-find-out-which-businesses-have-survived-at-least-100-years-in-tulsa/collection_df4bc18f-31b0-5a05-86ee-d24caef926ce.html.

125. Before the Massacre, the percentage of Black and White residents of Tulsa that owned their own homes was relatively the same.⁴⁴ After the Massacre, Black homeownership in Tulsa declined almost 20% and the gap between White Tulsans and Black Tulsans ballooned and worsened each year, as discussed below.

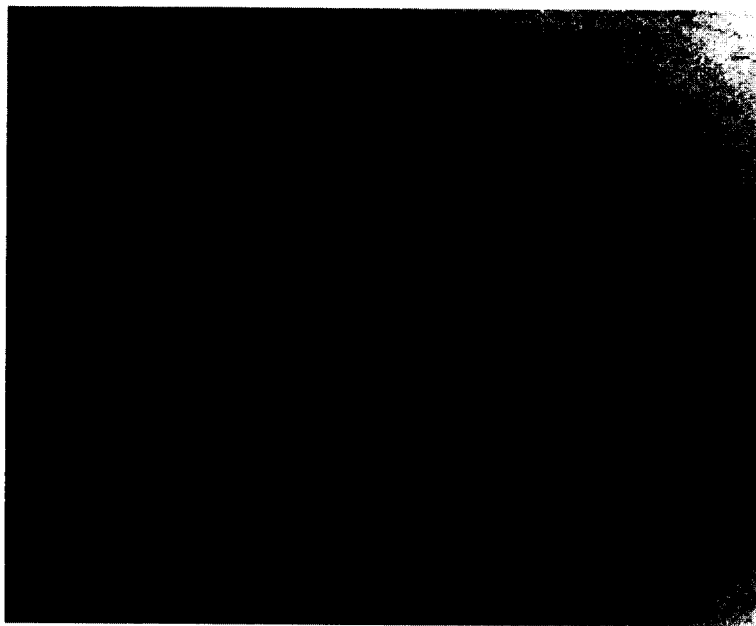
126. Due to the Massacre, the Black literacy rate in Tulsa decreased substantially and has not been on par with White Tulsans since.

127. Due to the Massacre and its continuing impact, including the lack of Black business owners and professionals, Black Tulsans have a lower average occupational status and less educational attainment than White Tulsans.

128. Due to the Massacre, thousands of productive, resourceful, and tax-paying residents of Greenwood fled never to return because of the continuing impact.

129. Defendants' actions during the Massacre and its aftermath destroyed the Greenwood community's leadership. The White mob murdered professionals and business owners who contributed to the community's prosperity, such as nationally renowned surgeon Dr. A.C. Jackson. Dr. Jackson was a prominent Greenwood resident who was brutally shot on June 1, 1921 by members of the angry White mob deputized and armed by Defendants while coming out of his home, hands raised. He bled to death while imprisoned at the Convention Center by Defendants.

⁴⁴ According to the U.S. Federal Reserve, homeownership is one of the key ways to building wealth in the U.S. The Federal Reserve reports that the average homeowner in 2016 had a household wealth of \$231,400, compared to the average renter having a household wealth of just \$5,200. Federal Reserve Bulletin, *Changes in U.S. Family Finances from 2013 to 2016: Evidence from the Survey of Consumer Finances*, Vol. 103, No. 3 (September 2017), <https://www.federalreserve.gov/publications/files/scf17.pdf>.



130. The City and the *Tribune* encouraged the formation of a Tulsa County grand jury that targeted Greenwood community leaders, including Gurley, Smitherman, and Stradford. The resulting fraudulently obtained indictments forced Gurley, Smitherman, and Stradford, along with many others, into permanent exile. Many other Greenwood leaders fled the state. And even more of their leaders and those who were key to its economic viability, including doctors, lawyers, teachers, nurses, businesspeople, skilled and blue-collar workers needed to make the community thrive, left Greenwood because the Massacre destroyed community businesses and institutions that provided them with employment.

131. From the 1920s and continuing to the present day, Defendants' unreasonable, unwarranted, and/or unlawful acts and violations of their duties have prevented the African American members of the Greenwood and North Tulsa communities from occupying top-level leadership positions in City government.

132. During the 1930s, the City, with the advice and consent of the Chamber, engaged in more extensive racial segregation in public employment than any other southern and southwestern

city. For example, unlike other Southern cities, Tulsa did not hire any African Americans for public service jobs with the exception of those hired as police for the Greenwood community or teachers in the segregated school system.

133. Similarly, in the 1920s through the 1960s, the City, County, and the Chamber unlawfully excluded the few African American businesses run by members of the Greenwood and North Tulsa communities from participation in business opportunities.

134. The Chamber excluded Greenwood and North Tulsa Black-owned businesses in its publicity materials commemorating Oklahoma's fiftieth anniversary.

135. In addition to the Chamber's significant involvement in creating and furthering the public nuisance stemming from the Massacre, the Chamber has not taken any affirmative action to abate the nuisance.

136. The City and County have continued their practices of limiting employment opportunities for African Americans. In the 1970s, African Americans were predominantly in lower-level jobs. Few African American members of the Greenwood and North Tulsa communities were appointed to managerial positions that would enhance the stature of the community and permit the Greenwood and North Tulsa communities to have some measure of control over the future of their neighborhoods.

137. The Chamber, County, and City continue to deny African American businesses in the Greenwood and North Tulsa communities an equal voice by excluding their representatives from leadership positions and on decision-making bodies that determine economic and social policy for Tulsa, including the Greenwood and North Tulsa communities.

Destroyed Neighborhood and Community Integrity, 1921 to Present

138. Defendants' continuous unreasonable, unwarranted, and/or unlawful acts and persistent neglect of required duties towards the Greenwood neighborhood and community laid the fertile ground for the effects of the nuisance created by the Defendants to not only be experienced in the Greenwood community, but to follow Black Tulsans who were displaced by acts of the Defendants to North Tulsa. Those unreasonable, unwarranted, and/or unlawful acts and persistent neglect of governmental duties include:

- a. The continuous dispossession and taking of land owned by Greenwood residents, thus reducing the original 40-block Black-owned and controlled Greenwood community to the half-block that exists today;⁴⁵
- b. The ongoing refusal to sell or make land previously owned by Greenwood residents available for acquisition by Greenwood residents or Black developers;
- c. Purposefully neglecting and blighting the Greenwood and North Tulsa neighborhoods and community and causing a steady decline of the Greenwood and North Tulsa property values;
- d. Causing and maintaining the fragmentation of the Greenwood and North Tulsa neighborhood and community by placement of a highway that physically divided it, and the destruction of a base of professionals and entrepreneurs who lived and worked in Greenwood and North Tulsa;
- e. Purposefully concentrating large, dense, low-income housing projects into tight, compact areas of North Tulsa and forcing Greenwood residents to move into the same, thereby creating ghetto-like conditions;

⁴⁵ Greenwood on May 31, 1921 shaded in gray compared to the Greenwood of today which is shaded in Black, attached as **Exhibit 4**.

f. Continuing the aggressive and racially disparate policing of Black Tulsans as called for by Defendants and their allies immediately following the Massacre.⁴⁶

139. Defendants, on the other hand, made it possible for property values in predominantly White South Tulsa to appreciate, new housing and commercial developments to sprout, and White professional and entrepreneurial residents to maintain their base in South Tulsa by investing billions in resources, infrastructure, and development.

140. Throughout the 1950s, 1960s, and 1970s, Defendants unreasonably, unwarrantedly, and/or unlawfully implemented or promoted discriminatory policies of “urban renewal” and urban planning initiatives without regard for the health and safety needs of the Greenwood and North Tulsa communities and Black Tulsans.

141. Defendants’ unreasonable, unwarranted, and/or unlawful failure to include the Greenwood and North Tulsa communities in the decision-making process ensured that any urban renewal plan would not serve these communities but rather would serve the interests of the predominantly White South Tulsa residents.

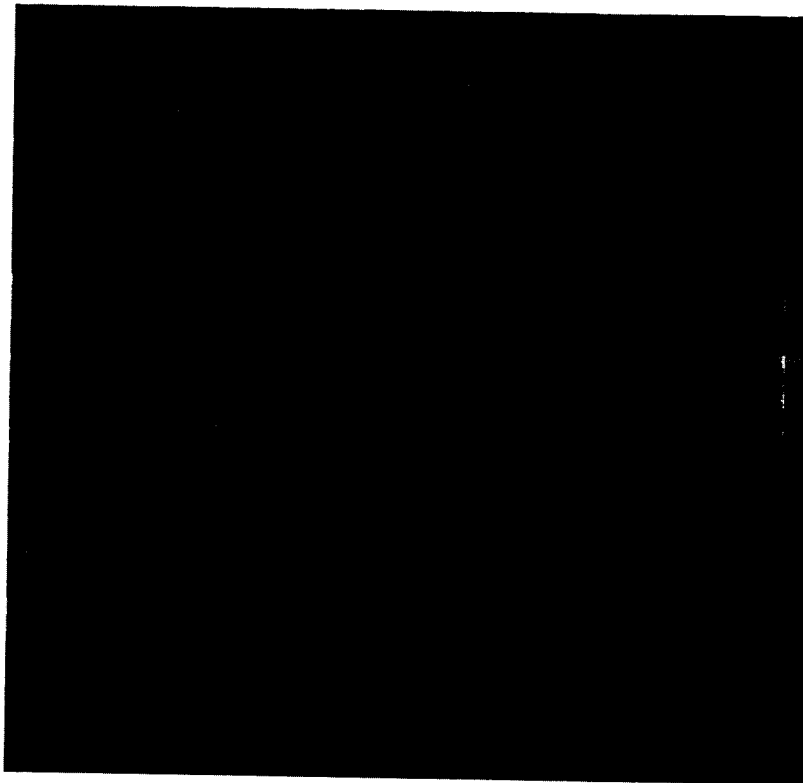
142. This failure exacerbated nuisance conditions in the Greenwood and North Tulsa neighborhoods. The initiatives adopted by Defendants and their actions pursuant to them, including unreasonably, unwarrantedly, and/or unlawfully taking land from Black Greenwood for less than market value, led to further fragmentation of the Greenwood community and deepened Tulsa’s geographical, educational, health, racial, and wealth divide that still exists today in Tulsa between Black and White Tulsans.

⁴⁶ Former City Police Chief Drew Diamond has been on record for years saying that “policing is carried out ‘differently’ in North Tulsa than in the rest of the city, and that officers in North Tulsa regularly conduct unnecessary stops of black people.” See John Raphling, “*Get on the Ground! Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma*,” HUMAN RIGHTS WATCH 28 (2019), <https://www.hrw.org/news/2020/05/29/case-reparations-tulsa-oklahoma>.

143. Additionally, Defendants unreasonably, unwarrantedly, and/or unlawfully harmed the health and safety of the Greenwood and North Tulsa communities by deciding that the location of Interstate 244 and the construction of the inner dispersal loop would run through the middle of the Greenwood community and neighborhood, despite other viable alternatives.

Defendants Used Urban Renewal to Advance Their Policy Goal to Steal Greenwood and Push Its Black Residents North

144. In 1957, Defendants decided to have the northern section of the City's Inner Dispersal Loop—Crosstown Expressway—run straight through the core of the main Greenwood business district. This allowed Defendants to further their longstanding goal discussed above to eject the Black Greenwood residents from their prime downtown Tulsa real estate to less desirable, less valuable, and less visible areas in North Tulsa.



145. The Interstate divided the Greenwood neighborhood and community in two, creating a physical barrier between the North side of Tulsa, and its overwhelmingly Black population, from the rest of the City, and displaced many families and businesses.⁴⁷

146. A May 4, 1967 article in the *Tulsa Tribune* states, “The crosstown expressway slices across the 100 block of North Greenwood Avenue, ... There will still be a Greenwood Avenue, but it will be a lonely, forgotten lane ducking under the shadow of a big overpass.”⁴⁸



I-244 Underpass Was Intentionally Placed Through Greenwood to Destroy the Remaining Remnants of the Greenwood Community

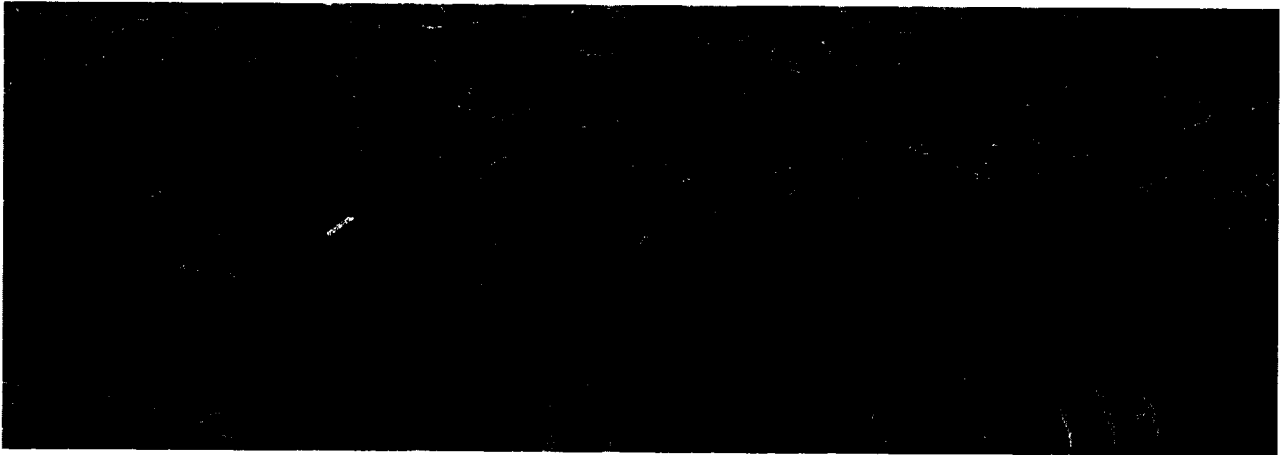
147. Defendants also used their urban renewal powers to take property from Greenwood residents for projects that provided no direct benefit to them—for example, the sprawling

⁴⁷ A May 2020 report by the internationally acclaimed Human Rights Watch found that Defendants’ disparate use of Urban Renewal powers “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...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.” See *The Case for Reparations in Tulsa, Oklahoma: A Human Rights Argument*, HUMAN RIGHTS WATCH (May 29, 2020), (<https://www.hrw.org/news/2020/05/29/us-provide-reparations-1921-tulsa-race-massacre>).

⁴⁸ 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>.

University Center at Tulsa (now Oklahoma State University-Tulsa⁴⁹) pictured below. Oftentimes, Greenwood residents were forced off their property without receiving fair-market compensation or relocation services as required by Federal law.⁵⁰

148. The taking of prime real estate owned by Greenwood's Black residents perpetuated the Defendants' acts that diminished the enjoyment by Greenwood residents of their property and further eroded Greenwood's tax base, negatively affecting residents, businesses, and schools in the Greenwood and North Tulsa communities.



Oklahoma State University-Tulsa sprawling campus on what used to be prime land owned by Greenwood residents and business owners.

149. Defendants' unreasonable, unwarranted, and unlawful course of conduct in implementing their Urban Renewal policies only further exacerbated the Defendant-created disparities in wealth, education, policing, housing, poverty, and health outcomes in Tulsa, rendering members of Tulsa's African American community insecure in their lives and property, and annoying, injuring, and endangering Greenwood and North Tulsa residents in their comfort, repose, health, and safety.

⁴⁹ At the time of this filing not only is the Oklahoma State University-Tulsa Board of Trustees devoid of any Massacre or Greenwood descendants, the Oklahoma State University Board of Trustees is all White.

⁵⁰ Plaintiff Mother Randle was one of the thousands of Greenwood residents who had their prime location property taken only to be provided to a White-owned business. See Randle Deposition at 39:11-40:13, attached herewith as Exhibit 1.

150. The disastrous impact of Defendants' Urban Renewal policies can best be summed up by Greenwood resident and Massacre survivor Jobie Elizabeth Holderness: "The black community lost some valuable things in the process. Urban renewal not only took away our property, but something else more important—our black unity, our pride, our sense of achievement, and history."⁵¹

Greenwood Residents Pushed to North Tulsa to be Ignored, Abandoned, and Oppressed by Defendants

151. Defendants, through their unreasonable, unwarranted, and/or unlawful use of their urban renewal powers, destroyed Greenwood's bustling business district and pushed thousands of its Black residents further into North Tulsa.

152. Defendants unreasonably, unwarrantedly, and/or unlawfully concentrated large low-income housing projects in North Tulsa despite knowing this would create ghetto-like conditions for the Black displaced Greenwood residents. Defendants implemented the housing projects over protests of Black community leaders who had no real governmental decision-making power in Tulsa, such as Willard Vann, then Executive Secretary of the Tulsa NAACP chapter. In 1967, Vann told Defendants, "We do not want to see a concentration of low-cost housing in one area [North Tulsa]. We do not want to perpetuate a ghetto."⁵² Perpetuate a ghetto and public nuisance is exactly what Defendants did and said conditions still exist in North Tulsa.

153. Defendants continued their unreasonable, unwarranted, and/or unlawful policy of neglect and disinvestment in Black neighborhoods of Tulsa throughout the 1960s and 1970s. In 1973,

⁵¹ Eddie Faye Gates, *THEY CAME SEARCHING: HOW BLACKS SOUGHT THE PROMISED LAND IN TULSA* 106-107 (1997).

⁵² *TURA Still Supporting Housing Plan*, *TULSA TRIBUNE*, [1961-1969], at 53. This statement came from a collection of Tribune articles archived between 1961 and 1969, however, the exact date of the article was undetermined.

Ray Freeman, the Project Director of the North Tulsa Business Development Center, spoke to those concerns, stating that, "No one has been really sincere in developing North Tulsa."⁵³

154. During his tenure during the mid-1970s, then Greenwood Chamber of Commerce President Wilbert Collins highlighted the difficulty that Black Tulsa residents of Greenwood and greater North Tulsa experienced in obtaining bank loans because of Defendants' "redlining"⁵⁴ activities.

155. An August 1977 report by the Oklahoma Advisory Committee to the U.S. Commission on Civil Rights describing North Tulsa, which includes the Greenwood District, found that the Tulsa "Black population is concentrated mainly in the northern part of the city [Tulsa]...this is the result of residential and economic segregation that arose after [emphasis added] the 1921 race riot. At the present time, this section of Tulsa is experiencing a decline in property values, an increase in housing abandonment, and loss of business...increasingly the...northern sections of the city are being forsaken. Conversely, the southeastern part of Tulsa has prospered and is experiencing a tremendous growth in housing... during the 1960s about 85 percent of the estimated 31,000 new housing units built in Tulsa were located in the southeast section."⁵⁵

156. Meanwhile, by 1978 Defendants had built five large low-income housing projects⁵⁶ in North Tulsa within a two-mile radius of each other in Seminole Hills Apartments, Morning Star (now called Edenwood Apartments), Vernon Manor (now called Bradford), Commanche Park, and Mohawk Manor.

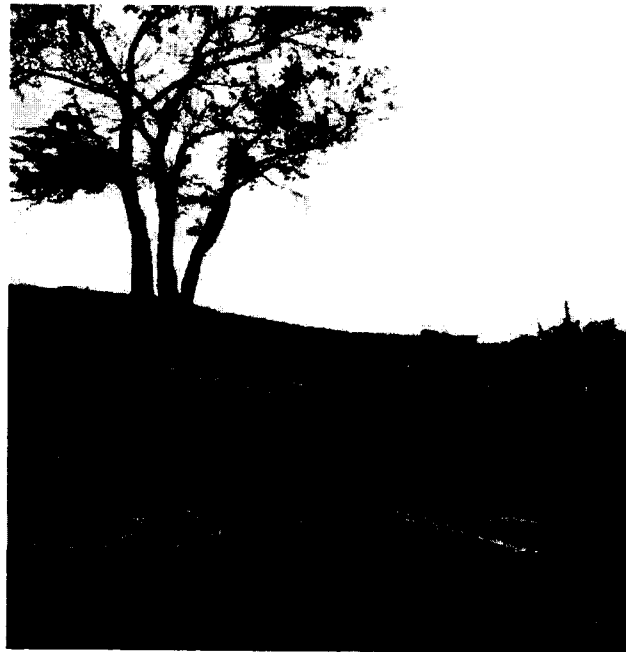
⁵³ Ina Hall, "North Tulsa." Ruth Sigler Avery Tulsa Race Riot Archive. Oklahoma State University Tulsa Special Collections and Archives. Series 2, Research Box 6.

⁵⁴ "Redlining" is the illegal practice of refusing to offer credit or insurance in a particular community on a discriminatory basis.

⁵⁵ See Oklahoma Advisory Committee to the U.S. Commission on Civil Rights, *School Desegregation in Tulsa, Oklahoma*, 6-7 (1977), <https://catalog.hathitrust.org/Record/000295177>.

⁵⁶ All of these housing projects are still operating today.

157. By 1980, very little remained of the original Greenwood community. At the same time, Greenwood and North Tulsa residents continued to experience the worst outcomes in every conceivable social-economic category, including housing, education, employment, and mental and physical health, in addition to the continuing racially disparate treatment by Tulsa law enforcement.



Throughout the historical Greenwood community lay barren land owned by Defendants that was once owned and occupied by Black residents.

158. Throughout the 1980s, Defendants continued to injure and endanger the comfort, repose, health, and safety of the Greenwood neighborhood and community that first began during the Massacre.

159. In 1989, then Tulsa School Board member Judy Eason-McIntyre lamented that the hardships Black Tulsans endured were caused by “years of discrimination ... dating back to

Tulsa's race riot in 1921..."⁵⁷ Those "years of discrimination" perpetuated the public nuisance created in 1921 that continues to destroy the lives of North Tulsa and Greenwood residents.

160. The Defendants had a duty to rebuild the Greenwood neighborhood that they destroyed in 1921. Rather than fulfilling this duty, they continued to underserve the Greenwood and North Tulsa communities throughout the 1990s and 2000s. Defendants did not use federal funding, programs, and services to which they had access in the Greenwood neighborhood and North Tulsa community to abate the nuisance they created.

161. A 1992 U.S. Department of Justice report found that the overwhelming Black North "Tulsa was a depressed, low-income area, with virtually no social services or industrial activity..."⁵⁸

162. In 1996, Rev. Calvin G. McCutchen, who pastored the historic Mount Zion Baptist Church⁵⁹, located in Greenwood for over fifty years, stated in an article, entitled "Black & White One City, Two Worlds: Will It Ever Change": "One of the big problems that blacks have now is job opportunities, economics, and of course, businesses. We have very few black businesses ... Tulsa is almost like a tale of two cities. We have the north side, and we still have a lot of problems."⁶⁰

⁵⁷ "Danise Aydelott, *Northside Schools Struggle Amid Charges of Racism*," TULSA WORLD, June 12, 1989, https://www.tulsaworld.com/archive/northside-schools-struggle-amid-charges-of-racism/article_b50f1bf9-c78b-5961-b20b-ee0a24e36e2f.html.

⁵⁸ See U.S. Department of Justice, Office of Justice Programs, Bureau of Justice Assistance, *Problem-Oriented Drug Enforcement, A Community-based Approach for Effective Policing*, (Year?) <https://www.ncjrs.gov/pdffiles/problem.pdf>.

⁵⁹ Just a week before the Massacre, the Black members of Mt. Zion Baptist Church opened a state-of-the-art two-story church that was a great source of pride for Greenwood residents. During the Massacre, the new church was burned down by Defendants. Like Black Greenwood's residents, Mt. Zion was unable to collect on its insurance coverage. As a result, when they built their new church, they had to pay off both mortgages simultaneously.

⁶⁰ Ziva Branstetter, "Black & White // One City, Two Worlds: Will It Ever Change?" TULSA WORLD, Jun 2, 1996, https://www.tulsaworld.com/archive/black-white-one-city-two-worlds-will-it-ever-change/article_dbel28a5-390e-5ace-aad0-11f32e2868ac.html.

163. In 1998, Hammer, Siler, George Associates produced an urban economic development report about North Tulsa. The report found the obvious: vast disparities exist between White South Tulsa and Black North Tulsa at all levels including infrastructure, retail and office space to housing and industrial capacity, a large inventory of undeveloped real estate, strong demand for high-quality goods and services, and underutilization of land. The report also highlights how the destruction of the Greenwood business district by Defendants negatively impacted Black North Tulsa residents: “North Tulsa is experiencing a form of suppressed demand, a demand which goes unmet because of the disappearance of ‘supply’ within the neighborhood. A market for higher quality goods and services remains, but residents are forced to go to south Tulsa in order to obtain quality goods and services.”⁶¹

164. In 2002 the national publication *The Nation* published an in-depth article on Tulsa and found that: “North Tulsa is the most underdeveloped section of the city, with most money funneling into the south side of the city, where the middle class and nouveau riche tend to settle. None of the buildings in North Tulsa are more than two stories high, and there are no shopping centers and few supermarkets. Black Tulsans have to drive all the way across town to see a movie.”⁶²

165. The racially disparate health outcomes between Black and White including life expectancy, chronic diseases and infant deaths, as well as other negative health outcomes documented since the Massacre, continued to increase during the 2010s.

⁶¹ Hammer, Siler, George Associates, *North Tulsa Urban Economic Development Plan*, at 18 (Jan. 15, 1998) (unpublished manuscript, on file with the Tulsa Metropolitan Chamber of Commerce).

⁶² Adrian Brune *Tulsa's Shame: Race riot victims still wait for promised reparations*, Feb. 28, 2002, THE NATION, <https://www.thenation.com/article/archive/tulsas-shame/> (last visited January 27, 2021).

166. In 2011 John Stancavage, then Business Editor for the *Tulsa World*, was a participant in an eight-month course studying and spending time in North Tulsa. At the conclusion of the course, he wrote about his observations and what he learned:

...the area is a 'food desert,' or lacking in a variety of grocery stores where nearby residents can get healthy food. Instead, too many meals come from convenience stores or fast-food joints. Add to that a lack of access to health care, and you have a part of town where residents die 14 years younger than the rest of the city's population...along with new bricks and mortar, north Tulsa also needs more educational and skills training opportunities, more jobs that pay higher wages, and in general just more attention from those in any kind of leadership position across the city.⁶³

167. In 2013 Defendants City and Planning Commission commissioned a report about an area of North Tulsa that is 75% African-American. Many of those African-Americans were originally displaced from Greenwood during urban renewal or descendants of those displaced. The study⁶⁴ found the nuisance conditions created by Defendants continued as follows:

- a. An almost \$22,000 gap between the plan area's median household income and that of the rest of the City of Tulsa;
- b. The poverty rate in the plan area is about 2.5 times that of the City of Tulsa. Compared to the average Tulsan, a plan area resident older than 25 is about 2.5 times more likely to have no high school diploma;
- c. The unemployment rate is 3.5. percentage points higher than the City average;
- d. The labor participation rate within the plan area is 22 percentage points lower than within the City;
- e. House values are significantly lower than rest of City;

⁶³ John Stancavage, *Partnerships needed to ensure north Tulsa's recovery*, TULSA WORLD, Jun. 26, 2011, https://www.tulsaworld.com/business/john-stancavage-partnerships-needed-to-ensure-north-tulsas-recovery/article_049514f9-f773-5f69-a204-d1a7792393d5.html.

⁶⁴ See *City of Tulsa 36th Street North Corridor Small Area Plan*, <https://www.cityoftulsa.org/media/1560/36snc.pdf>.

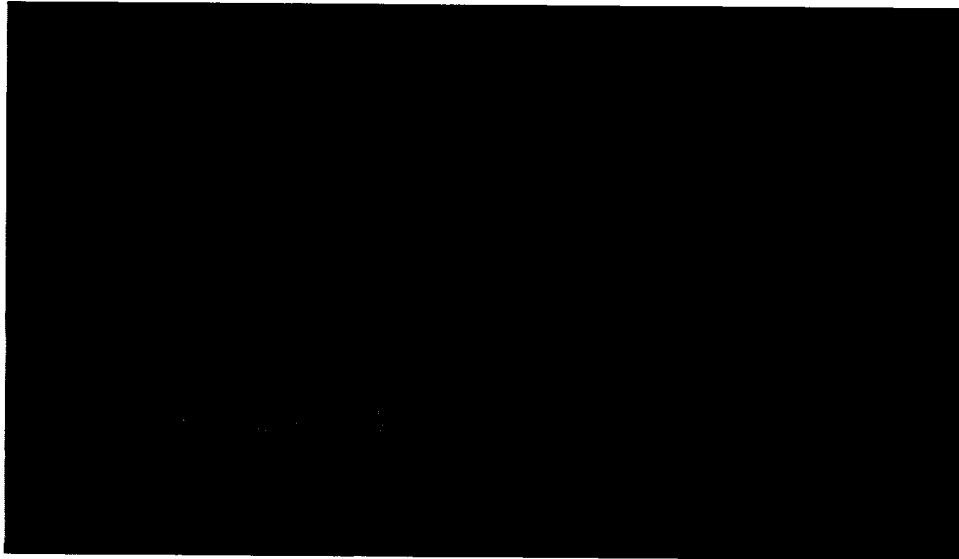
- f. Home values historically deviate from citywide trends; and
- g. There is a lack of private retail services, including grocery stores.

168. In 2016 Defendants City, TDA, and Planning Commission published a report about an area of North Tulsa that is 81.8% African American. Many of those Black Tulsans were originally displaced from Greenwood during urban renewal or were descendants of those displaced. The report⁶⁵ found that the following nuisance conditions created by Defendants (among others) continued as follows:

- a. 35% of the population lived in poverty which was significantly higher than both the Tulsa city-wide and national rates;
- b. Incomes among the studied areas were in steady decline and remained significantly lower than the Tulsa city-wide incomes;
- c. The median income for the studied area was almost half of the Tulsa city-wide median income.

⁶⁵ See City of Tulsa 36th Street North Corridor Small Area Plan, <https://www.cityoftulsa.org/media/1560/36snc.pdf>.

Nuisance Defendants Created During the Massacre Killing Black Tulsans



169. Defendants have continued the public nuisance in the Greenwood and North Tulsa communities by making them less viable for commercial activity, threatening the health and safety of the Greenwood and North Tulsa communities by depriving North Tulsans of easy access to meet their basic needs, like grocery stores, schools, and hospitals, all of which the rest of Tulsa enjoyed.

170. Defendants know a public nuisance exists and that their actions and omissions are the direct cause of said nuisance. Current Chamber President and CEO Mike Neal stated, “The racism that enabled the massacre also shaped the economic disparities in our community.”⁶⁶

171. There is now an established consensus among medical professionals that such disparities in access to the resources that enable wellbeing, like nutritious food and primary care providers, threatens community health. The American Academy of Pediatrics, the American Medical

⁶⁶ *Chamber Donates Meetings Minutes From 1921 to Greenwood Cultural Center*, Tulsa Regional Chamber (May 28, 2019), <https://tulsachamber.com/news/2019/05/28/community-development/chamber-donates-meeting-minutes-from-1921-to-greenwood-cultural-center/>.

Association, and the American College of Emergency Physicians recently formally declared “institutional racism an urgent public health issue,”⁶⁷ and states and cities around the country are beginning to declare racism a public health crisis.

172. As a direct and proximate result of the Massacre and the Defendants’ continued unreasonable, unwarranted, and/or unlawful actions described above, Black Tulsans face disparate treatment and outcomes with respect to every single basic human need: jobs, financial security, education, housing, justice, and health, both mental and physical health, that annoys, injures, or endangers their comfort, repose, health, or safety and renders them insecure in life, or in the use of their property. Examples of how the nuisance, caused and perpetuated by the Defendants, continues to imperil the lives of Black Tulsans are well documented by the City.

173. In the City’s *Equality Indicators 2018 Annual Report*⁶⁸, which has been described as “Tulsa’s effort to identify where disparate outcomes and opportunities exist and to acknowledge which populations have been disadvantaged,” noted:

Tulsa has a unique history relating to racial inequalities, perhaps most notable is the 1921 Tulsa race riot that destroyed what was then the wealthiest Black community in the country . . . Immediately following the race riot, city leaders passed more zoning regulations mandating the races remained segregated. This is Tulsa’s demographic legacy . . .⁶⁹

⁶⁷ Christine Vestal, *Racism Is a Public Health Crisis, Say Cities and Counties*, Pew Charitable Trusts (June 15, 2020), <https://www.pewtrusts.org/en/research-and-analysis/blogs/stateline/2020/06/15/racism-is-a-public-health-crisis-say-cities-and-counties>.

⁶⁸ C.U.N.Y. INST. FOR STATE & LOC. GOVERNANCE, COMM’Y SERV. COUNCIL & CITY OF TULSA, TULSA EQUALITY INDICATORS 18 (2018) [hereinafter “2018 Equality Indicators”], https://www.tulsaei.org/webdocs/Tulsa_Equality_Indicators_Annual_Report_2018_Web.pdf.

⁶⁹ See 2018 Equality Indicators at 5.

174. In the City's 2019 *Tulsa Equality Indicators Annual Report*,⁷⁰ the City finds and reports the following dire consequences to the nuisance they created and maintain in North Tulsa including but not limited to:

- a. **Jobs.** Unemployment in Tulsa's Black community is more than twice that of unemployment among White Tulsans; moreover, there are nearly three times as many jobs in overwhelming White Midtown Tulsa as there are in overwhelming Black North Tulsa.
- b. **Financial Security.** The median household income of White residents of Tulsa is over \$20,000 more than that of Black residents of Tulsa. Significantly more Black residents of Tulsa live at or below the poverty line than White residents.
- c. **Education.** Black students are nine times more likely than White students to be suspended from school.
- d. **Housing.** 58% of White adults own their homes, compared to only 34.8% of Black adults.
- e. **Justice.** The arrest rate of Black youth is nearly three-and-a-half times that of White youth. Likewise, the arrest rate of Black adults is over twice that of White adults. Black Tulsans are one-and-a-half times more likely to be victims of police use-of-force than

⁷⁰ The findings of the Tulsa Equality Indicators Annual Reports only further documented that the nuisance created by the 1921 Race Massacre continues to hinder and harm Black Tulsans and the Greenwood community. See C.U.N.Y. INST. FOR STATE & LOC. GOVERNANCE, COMM'Y SERV. COUNCIL & CITY OF TULSA, TULSA EQUALITY INDICATORS (2019) https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report_2019.pdf (last visited August 10, 2020). It should be noted that in response to the City of Tulsa's 2018 *Equality Indicators Annual Report* the NAACP Legal Defense Fund ("LDF Letter") and over fifty local community, elected, and religious leaders sent a letter to Mayor Bynum and the Tulsa City Council demanding reforms be immediately implemented. The LDF Letter stated, "It is simply unacceptable to acknowledge racial inequities in City report and do little to nothing to address them." To date, none of the reforms requested in the LDF Letter have been implemented. See LDF Letter attached as **Exhibit 5**.

White Tulsans and are five times more likely to be victims of officer use-of-force than all other racial and ethnic groups.

- f. **Health.** The rate of infant mortality among Black Tulsans is over four times that of the rate among White Tulsans, and a Black mother is more likely to give birth pre-term than a White mother is. Due to a lack of access to healthy foods and medical services, “residents of north Tulsa have unusually high incidents of diabetes, cancer, stroke, and heart problems,” compared to residents of South Tulsa. Perhaps most notable is that the life expectancy in years past the age of 66 of people who live in South Tulsa is nearly three times that of those who live in North Tulsa.

175. In fact, as recent as Monday, January 25, 2021, Defendants released a report entitled “Tulsa’s Economic Development Framework: Providing An Organizational Structure and Strategy for City and its Authorities, Board, and Commissions” wherein they declared that Tulsa is “emerging as one of America’s great cities” and “an attractive and exciting hub of economic activity in the Heartland.” However, as a result of “forced segregation, job discrimination, and the 1921 Race massacre that devastated Tulsa’s prosperous Black economy,” Black Tulsans suffer deep and crushing economic disparities. A century later, Black Tulsan households still live on 40% less than White Tulsan households.⁷¹ The report clearly states that without specific, targeted abatement of the current nuisance created by and made worse since the Massacre by the Defendants, the Greenwood and North Tulsa communities will never flourish. The report further states:

Minority communities will require intentional support efforts to build their capacity in both the nonprofit or private sectors. The raw talent in Tulsa’s minority communities exists, but

⁷¹ Tulsa’s Economic Development Framework: Providing An Organizational Structure and Strategy for City and its Authorities, Board, and Commissions (Jan. 25, 2021), <https://www.cityoftulsa.org/economic-development/why-tulsa/framework>.

- absent opportunities for mentorship in leadership and professional skills;
- access to networks of influencers and decision-makers (public, private and nonprofit);
- business incubation and targeted capital funding for growth; and
- a level playing field upon which minority-led companies compete against more experienced and advantaged firms (and partnerships)

the City's stated goals for "equity" will remain out of reach and overly optimistic in the near – and long-term.⁷²

176. Defendants know that the Massacre created a nuisance, Defendants know the nuisance still exists, and Defendants know the nuisance has and is destroying the lives of Black Tulsans. Yet Defendants are resolute in their refusal to abate the nuisance and will only abate the nuisance by order of this Honorable Court.

IX. EXPLOITATION OF THE MASSACRE FOR DEFENDANTS' GAIN AT PLAINTIFFS' EXPENSE

177. The Defendants City, Tulsa County, Chamber, Sheriff, and National Guard participated in the Massacre that destroyed the Greenwood neighborhood and community and/or in the discriminatory schemes to thwart the complete rebuilding of Greenwood. Defendants have and still actively participate in schemes to prevent Greenwood's full reconstruction and harm North Tulsa's residential and business communities. Yet, Defendants are now appropriating the trauma and terror suffered by the survivors and descendants of the Tulsa Massacre for their economic benefit at Plaintiffs' expense.

178. Defendants are using a well-orchestrated, multi-faceted marketing campaign designed to influence wealthy donors and business interests to give them money and distract the public from the fact Defendants refuse to accept responsibility for the Massacre, compensate Massacre

⁷² Tulsa's Economic Development Framework: Providing An Organizational Structure and Strategy for City and its Authorities, Board, and Commissions, January 25, 2021, <https://www.cityoftulsa.org/economic-development/why-tulsa/framework>.

victims, or abate the public nuisance the Massacre created. In fact, Defendants' stated goal is to push the false narrative that the Black victims of the Tulsa Massacre and its continued harm have "triumphed" over the nuisance that the Defendants created.

179. Defendants have misappropriated the history of the Massacre, using names and likenesses of survivors and descendants of Massacre victims without permission or compensation, to exploit the horrific event in which they actively participated and the subsequent trauma they caused, and which continues to this day. Their stated purpose is to promote tourism and economic development by appropriating the name "Black Wall Street," along with its cultural and historical significance and through use of the names and likenesses of survivors—predominantly for the benefit of White-owned or controlled Tulsa businesses and organizations.

180. Defendants' misappropriations not only result in their unjust enrichment; but rather than offering an apology and compensation for the damages they caused, they are exacerbating the pain of the continued trauma they caused, and perpetuating the nuisance, by ignoring its ongoing consequences. For example, on May 31, 2020, during a televised fundraising program about the Massacre, Tulsa Mayor Bynum used the story of Dr. A.C. Jackson, who was murdered by Defendants, to raise money for Defendants. He did so without apology to Jackson's heirs like M. Adams or acknowledgment of a debt owed to M. Adams or the Jackson family.

181. The problem is not that the Defendants want to increase the attraction to Tulsa. Rather, it is that they are doing so on the backs of the people they destroyed, without ensuring that the community and descendants of those subjected to the nuisance they created are significantly represented in the decision-making group and are direct beneficiaries of those efforts. This exclusion appears intentional, and not happenstance.

182. The Defendants, for example, are building a “cultural tourism” district that includes their \$30 million Greenwood Rising History Center (“History Center”) whose primary purpose is to create tourist revenue for Defendants and their associated White property owners in and around the historic Greenwood district. The Black residents of Greenwood and North Tulsa and survivors and descendants of those who were killed or suffered losses in the 1921 Massacre have been refused any income-producing opportunities from the History Center or any of the other lucrative multi-million dollar developments White Tulsans are enjoying.

183. Defendants who acquired most of the land that comprised the Historic Greenwood Community as a result of the Massacre and continued the harm described above, have provided their White allies at least \$42 million in government tax incentives and low interest loans to develop the most valuable and desirable land in the Historic Greenwood District over the last decade.⁷³

184. Defendants have continued their unreasonable, unwarranted, and/or unlawful long-standing practice of taking and hoarding land in the Historic Greenwood District. In fact, the City’s current chief of economic development has admitted the City has a “history of land-taking in the area and is very sensitive to the need to go through an intensive process to give the community an [for the first time] opportunity to provide input for what that will look like.”⁷⁴ Defendants also have a long-standing practice of refusing to allow Massacre survivors or their descendants an opportunity to purchase and develop any of the land in the Historic Greenwood District.

⁷³ See Tracy Jan, *The ‘Whitewashing of Black Wall Street,’* WASH. POST, Jan. 17, 2021, <https://www.washingtonpost.com/business/2021/01/17/tulsa-massacre-greenwood-black-wall-street-gentrification/?arc404=true>.

⁷⁴ *Id.*

185. The Defendants' exploitation of the death, destruction, and disparities they created and perpetuated for financial gain, and the failure to address the public nuisance they created that caused significant injuries to the Greenwood neighborhood and North Tulsa community, have resulted in their unjust enrichment at the expense of these communities and worsened the racial disparities including the wealth divide.

X. CLAIM # 1: PUBLIC NUISANCE

All Defendants

186. Plaintiffs restate and incorporate paragraphs 1 through 185 as if fully set forth herein.

187. Defendants' above-described unreasonable, unwarranted, and/or unlawful acts and omissions injured Plaintiffs and the Greenwood and North Tulsa communities, endangered their comfort, repose, health, and safety and rendered them insecure in life and in the use of their property.

188. The above-described unreasonable, unwarranted, and/or unlawful acts and omissions constitute a public nuisance, and such nuisance has affected the entire Greenwood community and the Black population of North Tulsa more generally.

189. Defendants' actions and violations of duty that caused the nuisance in the Greenwood and North Tulsa communities accelerate aging, shorten life expectancy⁷⁵ and cause Black Tulsans to experience significant psychological and emotional injury.

190. Oklahoma statutes define a "nuisance" as "unlawfully doing an act, or omitting to perform a duty, which act or omission . . . annoys, injures or endangers the comfort, repose,

⁷⁵ See Liam Knox, *New Study Shows Racism May Shorten Black Americans' Lifespans*, NBCNEWS.COM (Feb. 5, 2020), <https://www.nbcnews.com/news/nbcblk/new-study-shows-racism-may-shorten-black-americans-lifespans-n1128351>

health, or safety of others . . . or . . . [i]n any way renders other persons insecure in life, or in the use of property”⁷⁶

191. Oklahoma’s public nuisance statutes protect its citizens from acts endangering public health and safety, and the Oklahoma Supreme Court has long recognized that a public nuisance can be created by one’s use of their property or by one’s course of conduct. “It is a class of wrongs which arises from an unreasonable, unwarranted, or unlawful use by a person or entity of property lawfully possessed, but which works an obstruction or injury to the right of another.”⁷⁷

192. A nuisance is public, as opposed to private, if it “affects at the same time an entire community or neighborhood, or any considerable number of persons, although the extent of the annoyance or damage inflicted upon the individuals may be unequal.”⁷⁸

193. The public nuisance, as described above, is continuing, and has resulted in an obstruction of public rights, including, but not limited to, the inherent right to life, liberty, the pursuit of happiness, and the enjoyment of the gains of one’s own industry, the right of equal protection under the law, the right not to be placed in harm’s way by Defendants’ affirmative actions, the right to security in health, the right to access public roads and thoroughfares, the right to familial relationships, and the right to enjoy reasonable use of property as guaranteed under the Oklahoma Constitution.

194. Accordingly, “[n]o lapse of time can legalize” the nuisance described herein.⁷⁹ In fact, “in such a case, the Plaintiff invokes the public right and sues to protect the public right. The

⁷⁶ OKLA. STAT. ANN. tit. 50. § 1.

⁷⁷ See *Briscoe v. Harper Oil Co.*, 702 P.2d 33, 36 (Okla. 1985).

⁷⁸ OKLA. STAT. ANN. tit. 50. § 2. In Oklahoma, “the nuisance or wrong does not have to affect the government or the entire community of the state to be a public nuisance.” L. Mark Walker & Dale E. Cottingham, *An Abridged Primer on the Law of Public Nuisance*, 30 TULSA L.J. 355, 358 (1994) (citing *Finkelstein v. City of Sapulpa*, 234 P. 187 (Okla. 1925)).

⁷⁹ OKLA. STAT. ANN. 50 § 7.

individual stands in the shoes of the public prosecutor with all the rights, benefits and limitations of the public prosecutor.”⁸⁰

195. As a direct and proximate result of the Defendants’ unreasonable, unwarranted, and/or unlawful actions that caused the Massacre, their unreasonable, unwarranted, and/or unlawful actions during the Massacre, and their unreasonable, unwarranted, and/or unlawful actions and omissions since the Massacre, Greenwood and North Tulsa residents continue to experience racially discriminatory and disparate treatment in public services, employment opportunities, banking, education opportunities, policing, funding, and facilities and encounter deadly barriers to basic human needs, including jobs, financial security, education, housing, justice, and health that annoy, injure, or endanger their comfort, repose, health, or safety and render them insecure in life, or in the use of their property.

196. Plaintiffs, who are African American residents and organizations of the Greenwood and North Tulsa communities, or descendants of previous residents, have suffered injuries that are unique to their status and their injuries are substantial in nature. Thus, Plaintiffs have authority to bring this claim against Defendants for abatement of the public nuisance they created and/or caused to continue.

197. National and local experts conclude that a targeted plan designed to abate the ongoing public nuisance in the Greenwood and North Tulsa communities as a result of the Massacre, is not only feasible, but necessary.

⁸⁰ L. Mark Walker & Dale E. Cottingham, *An Abridged Primer on the Law of Public Nuisance*, 30 TULSA L.J. 355, 358 (1994) (citing *Ruminer v. Quanilty*, 179 P.2d 164 (Okla. 1947) and *Revard v. Hunt*, 119 P. 589, 593 (Okla. 1911)).

XI. CLAIM # 2: UNJUST ENRICHMENT

Defendants City, TDA, Planning Commission, Tulsa County and Chamber

198. Plaintiffs restate and incorporate paragraphs 1 through 197 as if fully set forth herein.

199. Defendants are literally profiting off the deaths, destruction, and despair that they created, without ensuring that the community and descendants of those subjected to the nuisance they created were significantly represented in the decision-making group or are direct beneficiaries of those efforts.

200. Defendants actively engaged in the destruction of the Historic Greenwood District and its viability, prosperity, and national acclaim, refuse to take any responsibility for having caused the Massacre, and refuse to pay any compensation for losses incurred during the Massacre or investigate the crimes committed during the Massacre. It is grossly inequitable for the Defendants to retain the benefits they receive from marketing Black Wall Street rather than providing those benefits to the Black residents and businesses in the Greenwood District and North Tulsa, with top priority placed on those who are descendants of the Black residents who resided in the Greenwood District at the time of the Massacre.

XII. PRAYER FOR RELIEF

Plaintiffs pray this Court will grant the following:

1. A declaration that Defendants' policies, actions, and omissions during and after the 1921 Massacre created a public nuisance as defined by Oklahoma law and that said public nuisance is ongoing and a public health emergency;
2. A declaration that the public nuisance created by Defendants is capable of being abated through the expenditure of money and labor;

3. A declaration that the National Guard's conduct contributed to the creation of the nuisance;
4. A declaration and order of abatement of the public nuisance by Defendants including all costs necessary to abate such nuisance;
5. A declaration that the actions of the National Guard in 1921 were inconsistent with its charter;
6. An injunction prohibiting Defendants from using the likenesses of victims of the Massacre, or of individuals and businesses destroyed in the Massacre, to their benefit without fair and equitable compensation to the descendants of those likenesses; and if there are no living descendants, payment into the Tulsa Massacre Victims Compensation Fund ("Victims Compensation Fund") created herein;⁸¹
7. An injunction to prohibit the Defendants from receiving any monies or financial benefit from the Greenwood Rising History Center facility. Any monies designated for Defendants shall be placed in the Victims Compensation Fund;
8. An injunction prohibiting Defendants receiving any money or other material benefits from appropriating the legacy of the Massacre and the reputation of the Greenwood District and neighborhood;
9. An order directing that any fees or revenue due the Defendants associated with providing licensing or other services to private or public groups to implement this appropriation, including the Greenwood Rising History Center, shall be placed in the Victims Compensation Fund discussed below;

⁸¹ Plaintiffs propose creation of a fund modeled after those compensating victims of other mass casualty events such as the fund created for victims of the September 11, 2001 terrorist attacks.

10. An accounting of the unjust enrichment Defendants received by appropriating the historic reputation and legacy of the Massacre and the ongoing nuisance to their benefit while causing the nuisance and neglecting to repair the injuries caused to the Greenwood District, and subsequently North Tulsa, by their breach of their fiduciary duties to the residents of Greenwood and North Tulsa. The accounting shall include:

- a. All money raised by the Defendants, through public and private sources, since 2010 from marketing of the Greenwood District and neighborhood, or North Tulsa, as the site of the Massacre;
- b. All money received by the Defendants, from public and private sources, for use in the Greenwood neighborhood and community from June 1, 1921 to 1960;
- c. All money received by the Defendants from public and private sources for use in North Tulsa from 1960 to the present;⁸²
- d. All benefits, including money, Defendants received from licensing private groups to engage in the appropriation of Black Wall Street and the Massacre;
- e. All money dispersed by the Defendants to residents of the Greenwood neighborhood and North Tulsa, or their descendants, to abate the nuisance from May 31, 1921 to the present. This should not include money for which eligibility is given to all Tulsa residents;
- f. All money disbursed to directly benefit the Greenwood neighborhood and community, subsequently North Tulsa, from May 31, 1921 to the present;

⁸² Specifically, monies received from public and private sources for use in zip codes 74106, 74126, and 74130.

- g. The value of the loss of life in the Greenwood neighborhood and subsequently North Tulsa, as determined by licensed professional actuaries based upon published mortality tables that can be reasonably attributable to Defendants' actions in causing the nuisance, including those who were killed on May 31 and June 1, 1921 to the present;
- h. The value of the loss of private personal property stolen and looted from Greenwood residents by Defendants from May 31, 1921 to the present;
- i. The value of all claims made by survivors after the Massacre, whether to private companies or to the City, Tulsa County, and State of Oklahoma;
- j. The value of the emotional and psychological trauma inflicted on the residents of Greenwood, subsequently North Tulsa, by the nuisance created by Defendants;
- k. The difference in property values pre-Massacre and every ten (10) years subsequent to the Massacre of property owned by residents of Greenwood and North Tulsa;
- l. The value of property lost due to Defendants' actions, including Defendants' policies and practices, from May 31, 1921 to the present;
- m. An audit of land records of property owned by residents of Greenwood on May 30, 1921, and purportedly owned by them or their descendants on June 2, 1921, and thereafter to ensure all proper title and ownership;
- n. An assessment of the current value of the Greenwood District, both the one destroyed in 1921 and the one that has been renamed by the Defendants, and

neighborhood including the realization of its 1921 potential but for Defendants' actions, including Defendants' policies and practices.

11. Creation of the Victims Compensation Fund in which the valuation of the unjust enrichment derived from the accounting shall be placed as well as all monies determined by the Court to be necessary for the abatement of the nuisance based upon the accounting outlined in paragraph 10 above. Those funds shall be used for the sole benefit of survivors of the Massacre, descendants of those killed, injured, or lost property in the Massacre, and residents of the Greenwood and North Tulsa communities who have lived in Greenwood or North Tulsa for at least 10 years, five of which are consecutive, or were displaced from those communities at any time from May 31, 1921 until the present, in that order;
12. Abating all the conditions in the Greenwood neighborhood and North Tulsa that are aspects of the nuisance created by Defendants as demonstrated by the evidence presented in this matter and not addressed by any other demand in this prayer for relief, including but not limited to:
 - a. Payment of all outstanding claims presented by Greenwood residents as a direct result of losses sustained in the Massacre that were denied by Defendants or insurance companies because of Defendants' misrepresentation of the Massacre;
 - b. Property development, including purchase of business and residential property and repairs and upgrading of existing property, in the Greenwood neighborhood or North Tulsa;
 - c. Development of mental health and educational programs by individuals who live in Greenwood or North Tulsa for residents of Greenwood and North

Tulsa; or organizations with 75% of their leadership consisting of individuals who live in Greenwood or North Tulsa;

- d. Development of a quality-of-life program for individuals who live in Greenwood or North Tulsa for emergency needs related to maintaining employment, medical emergencies, and home maintenance;
- e. Creation of a land trust into which all vacant or undeveloped land in the historical Greenwood neighborhood and North Tulsa community currently owned by Defendants will be placed. Residents who are descendants of those who lost homes or businesses in the Massacre shall be able to receive a parcel as close to the size that was destroyed in the Massacre or taken for less than fair market value during urban renewal;
- f. Construction of a Level 1 Trauma Center hospital, including an urgent care center, in Greenwood, in which Greenwood and North Tulsa residents are given top priority for employment at all levels, that is named after and dedicated to the Massacre murder victim and nationally acclaimed surgeon, Dr. A.C. Jackson;
- g. Immunity from all City of Tulsa and County of Tulsa taxes, fees, assessments, and/or utility expenses for the next 99 years for residents of the City of Tulsa or Tulsa County who are Massacre survivors or descendants of those who were killed, injured or lost property in the Massacre;
- h. Creation of a scholarship program for Massacre descendants of the Greenwood District who lived in Greenwood on May 31, 1921 or for at least 10 years, with at least five years consecutive, between May 31, 1921 and until the

present. The scholarship shall pay tuition, room and board, books, and fees to attend a university, college, or other post-high school education or training institution in Oklahoma. This program shall last 99 years; and

i. Black Tulsans who live in the Greenwood and North Tulsa communities shall have top priority and fair representation reflective of their percentage of the Tulsa population, among recipients of City contracts, with those who are descendants of Massacre victims having the highest priority for the next 99 years.

13. The plaintiffs shall be awarded punitive damages as allowed by law. Those punitive damages shall be added to the Tulsa Massacre Victims Compensation Fund.

14. The plaintiffs shall be awarded attorneys' fees and expenses.

15. The plaintiffs shall be awarded any and all further relief this Court deems just and equitable, including pre-judgment and post-judgment interest at the appropriate lawful rate.

Respectfully submitted,

SOLOMONSIMMONSLAW



Damario Solomon-Simmons, OBA# 20340
601 S. Boulder, 600
Tulsa, Oklahoma, 74119
918-551-8999 - Phone
918-582-6106 - Facsimile
dss@solomonsimmons.com

-and-

BRYAN & TERRILL
J. Spencer Bryan, OBA # 19419
Steven J. Terrill, OBA #20869
3015 E. Skelly Dr., Suite 400

Tulsa, Oklahoma 74105
(918) 935-2777 – Phone
(918) 935-2777 – Facsimile
jsbryan@bryanterrill.com
sjterrill@bryanterrill.com

-and-

Eric J. Miller, BAR #194237
Professor and Leo J. O'Brien Fellow
Burns 307
919 Albany Street
Los Angeles, CA 90015
(213) 736 -1175 - Office
eric.miller@lls.edu

-and-

Maynard M. Henry, Sr., BAR #VSB39266
Maynard M. Henry, Sr., Attorney at Law, P.C.
10332 Main Street, #308
Fairfax, Virginia 22030
(703) 593-2773 - phone
(800) 234-6112 - Facsimile
mhenryesquire@cox.net

-and-

JOHNSON | CEPHAS LAW
Lashandra Peoples-Johnson, OBA# 33995
Cordal Cephas, OBA#33857
3939 S. Harvard Ave. Suite 238
Tulsa, Oklahoma, 74135
(918) 877-0262 - Phone
lashandra@johnsoncephaslaw.com
cordal@johnsoncephaslaw.com

-and-

SCHULTE ROTH & ZABEL LLP
Michael E. Swartz
AnnaLise Bender-Brown
John Garces
Angela Garcia

Victoria Harris
Sara Solfanelli
Oscar Saunders
Ekenedilichukwu Ukabiala
919 Third Avenue
New York, NY 10022
212-756-2471
Michael.swartz@srz.com

-and-

SCHULTE ROTH & ZABEL LLP
McKenzie Haynes
901 Fifteenth Street, NW, Suite 800
Washington, DC, 2005
202-729-7485
Mckenzie.haynes@srz.com
(Pending Pro Hac Vice)

ATTORNEYS FOR PLAINTIFFS

ATTORNEY LIEN CLAIMED
JURY TRIAL DEMANDED

CERTIFICATE OF SERVICE

I hereby certify that on the 2nd day of February 2021, I served the foregoing by email and U.S. Mail to the following:

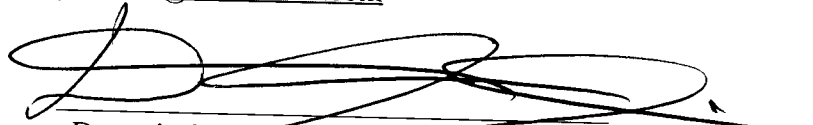
Mr. David O'Melia
Mr. Gerry Bender
City of Tulsa Legal Department
175 E. 2nd Street, Ste. 685
Tulsa, OK. 74103
domeilia@cityoftulsa.org
gbender@cityoftulsa.org

Kevin Wilkes
Hall Estill
320 S. Boston Ave., Ste. 200
Tulsa, OK. 74103
kwilkes@hallestill.com

Kevin McClure
State of Oklahoma, Office of the Attorney
General
313 NE 21st Street
Oklahoma City, OK 73104
Kevin.mcclure@oag.ok.gov

Jot Harley
Jot Hartley Law Firm, PLLC
177 W. Delaware Ave.
Vinita, OK 74301
jothartley@gmail.com
Attorney for Tulsa Development Authority

John H. Tucker
Rhodes, Hieronymus, Jones,
Tucker & Gable, PLLC
P.O. Box 21100
Tulsa, OK 74121-1100
jhtucker@rhodesokla.com



Damario Solomon-Simmons

EXHIBIT 1

1 THE WITNESS: Yes, I did see a house on
2 fire, one house on fire, I sure did. It was
3 burning. They were pretty houses. When they
4 called in the soldiers that they called from -- to
5 come and assist, the soldiers came and took over.

6 Q (By Mr. Solomon-Simmons) So during the
7 massacre, you saw white men in uniforms?

8 A Not -- not -- not that I remember that
9 now. I don't think I saw any in uniforms, I don't
10 think so. I was very small, very small. I can
11 remember some things.

12 Q Sure. You said you saw soldiers, how did
13 you know they were soldiers?

14 A Well, my folks told me they were soldiers
15 and they were dressed in soldier clothes. I saw
16 the soldiers pistols, of course, that's how
17 they -- I knew they was soldiers.

18 Q I see.

19 A And someone told us that they had called
20 for the soldiers to come in and assist, so they
21 called whoever the soldiers were at that time and
22 the soldiers came in and stopped them. It was
23 quite a mess. I never want to see anything like
24 that anymore.

25 Q No, ma'am, absolutely. Mother Randle,

1 while you were running for your life during the
2 massacre, did you see --

3 MR. WILKES: Objection.

4 Q (By Mr. Solomon-Simmons) -- dead black
5 people?

6 MR. WILKES: Object to the form of the
7 question.

8 THE WITNESS: Well, we saw a truck, a
9 flatbed truck, and they had loaded, just threw
10 dead bodies on the truck, had them stacked up on
11 the truck, on the truck. We saw that, like I
12 said, I was very small, so I can't remember
13 just -- but I do remember that.

14 Q (By Mr. Solomon-Simmons) How does that
15 make you feel to see your community burning?

16 A Well, scared, I was wondering what was
17 going on and why. I was afraid, very afraid, I
18 was. Of course, I didn't understand and know, you
19 know, I was too little to, but I remember seeing
20 that.

21 Q And do you sometimes still remember seeing
22 those bodies?

23 A Yes, at times when I get to talking about
24 it, like now, I do remember kind of. I wouldn't
25 recognize them by, you know, name or anything, but

1 I remember seeing dead bodies, which was not
2 pretty, not pretty at all.

3 Q Mother Randle, you -- to your knowledge,
4 what happened to the dead bodies that you saw
5 during the massacre?

6 A Well, they said they were going to take
7 them to the morgue, you call it, and I hear -- we
8 heard that they took those bodies down and threw
9 them in the river, but I don't know that to be
10 true, but we heard that, that was a rumor that
11 they threw those dead bodies in the river. So we
12 don't really know because we didn't stop and stay
13 around to see, you know. We was getting out of
14 the way, so -- but it wasn't pretty, I saw it
15 wasn't pretty at all.

16 Q Where was your grandmother, while you were
17 running from the massacre, where was your
18 grandmother?

19 A Where was she?

20 Q Yes.

21 A I guess Grandmother must have been, as I
22 remember, I think they were at my auntie's house,
23 I believe, I think they were there. They locked
24 the house up, they -- all of them stayed in there,
25 I think that's where she was. Now, as I say, I

1 question.

2 COURT REPORTER: I'm sorry, I didn't get
3 that.

4 MR. WILKES: Keith Wilkes, object to the
5 form of the question.

6 COURT REPORTER: Ma'am, would you answer
7 again?

8 THE WITNESS: Oh, I said, I was so small
9 at that time.

10 COURT REPORTER: Thank you.

11 Q (By Mr. Solomon-Simmons) Okay. Mother
12 Randle, have you been over to your old address of
13 1217 North Iroquois since you -- since the home
14 was taken by Tulsa Urban Development Authority?

15 A Yes, I think I've been over there once or
16 twice.

17 Q Do you know what's at the property that
18 used to be your family home?

19 A I don't know if I could recognize it or
20 not. I think they tore the house down, so I don't
21 know whether I could. I probably would from the
22 corner down, maybe I could figure it out, but I
23 don't know, but I'm not sure.

24 (Plaintiff's Exhibit Number 11 marked for
25 identification and made part of the

1 record)

2 Q (By Mr. Solomon-Simmons) Let's look at Tab
3 16.

4 A Is that my house?

5 Q Hold on. Guys, I'm trying to get it on
6 the screen.

7 A See what's on the screen. Let me see,
8 now.

9 Q Were you aware that 1217 North Iroquois is
10 now private white-owned businesses?

11 A I heard that, I haven't been through
12 there. I heard that it was business district now
13 or something. I haven't been through there.

14 Q Do you recall why you were told that Tulsa
15 Urban Development was taking your home?

16 A No, I can't remember that.

17 Q Mother Randle, earlier in the deposition
18 you talked about there's a lot of prejudice in
19 Tulsa. Do you -- you live in north Tulsa now;
20 correct?

21 A Uh-huh, well, would you call that north
22 Tulsa where I live? Huh?

23 Q Well, you have to answer.

24 A Well, I was asking her, would she -- would
25 she think that was north. Yes, I think that's

EXHIBIT 2

1 destroyed all of that nice things for them.

2 Q Let's look at Exhibit 3, Tab 3, I think
3 you're there.

4 A Yeah.

5 (Plaintiff's Exhibit Number 3 marked for
6 identification and made part of the
7 record)

8 Q (By Mr. Solomon-Simmons) Now, Mother
9 Fletcher, is this a picture of the Dreamland
10 Theater that you saw in Greenwood?

11 A Saw them, yes, the theaters and the
12 buildings, yes. Nice fronts.

13 Q How did it make you feel to be able to go
14 to a theater in the black community before the
15 massacre?

16 A Oh, it felt good, made me feel good to do
17 that, proud of it. Yeah. Theater.

18 Q Let me ask you this before we go to our
19 next exhibit, Mother Fletcher, did you feel safe
20 in Greenwood before the massacre?

21 A Yes, yes.

22 Q Did you feel safe in your house in
23 Greenwood before the massacre?

24 A Yes, we did, yeah.

25 Q Did you feel that your neighbors were safe

1 in Greenwood before the massacre?

2 A Well, I think so, I'm sure they were.

3 Q Did you have friends that you played with
4 in Greenwood before the massacre?

5 A Yes, yes.

6 Q Did you have toys or things that you
7 played with before the massacre?

8 A Well, toys, dolls and balls, little balls
9 and bats and wagons and -- yes. Dolls.

10 Q Let's talk about did you see black people
11 doing well financially in Greenwood before the
12 massacre?

13 A Yes, yes, with restaurants and churches
14 and, you know, business, uh-huh.

15 Q Were you proud of that, to see black
16 people doing well?

17 A Yes, sure, yes, I was.

18 Q Let's talk about your house that you lived
19 in in Greenwood before the massacre. How big was
20 your house, do you remember?

21 A Oh, it was -- it was a small house, you
22 know, maybe two, two or three rooms, yeah.

23 Q Right. Did you like --

24 A Living room, bedroom, and kitchen, yes.

25 Q Did you like the house you lived in?

1 A Sure, yes, sir.

2 Q Did you -- did you enjoy spending time
3 with your family in that house?

4 A In that house, in that house, yes, sir.

5 Q Did your mother fix the house up nice?

6 A Yes, we had everything, little, big.

7 Q But you did have furniture?

8 A Yeah.

9 Q Were there items in the house that was
10 special to you?

11 A Well, our clothes and, you know, kitchen
12 items and practically everything that you needed
13 in housekeeping.

14 Q Yes, ma'am. Let's talk about the
15 massacre, where were you when the massacre
16 started, do you remember?

17 A Well, I was asleep, as far as I've been
18 told, we were all aroused up by getting up and
19 getting dressed so we could leave, yes.

20 Q You were woken up to say we had to leave?

21 A All this, the whole family was there, the
22 parents and all the children, we were all
23 together, and we were blessed to all get together
24 and get out of town. When we heard that we was
25 supposed to leave, everybody gathered up and left.

1 Q So, Mother Randle, we were talking
2 about -- Mother Fletcher, we were talking about
3 when you got woken up to leave for the massacre,
4 and I asked you, were you afraid when you were
5 woken up, awakened?

6 A Yes, yes, yes, I was.

7 Q And you talked about what you heard at
8 that time, what did you hear?

9 A Yeah.

10 Q What were you hearing?

11 A Noise, the noise of guns shooting and
12 smell the smoke and see the fire flashing and
13 people, a lot of people running and in a hurry to
14 gather up and leave.

15 Q Did you hear people screaming?

16 A Screaming, yeah, yeah.

17 Q Were you afraid for your life?

18 A Well, I was told we should have been, yes,
19 yes.

20 Q But were you afraid?

21 A Well, yes, wondering why we had to be --
22 deserve that time and to leave, you know, Mama,
23 where are we -- I guess the question was, where
24 are we going and why, and so that's what we were
25 told is that everybody should leave town, that

1 they were coming through town and killing all the
2 black people, so that was our understanding.

3 Q I'm going to have you -- I want you to
4 watch something, then I'm going to ask you a
5 question about it, is that okay?

6 A Yes.

7 Q We're going to Tab -- this will be Exhibit
8 4.

9 (Plaintiff's Exhibit Number 4 marked for
10 identification and made part of the
11 record)

12 (Playing video)

13 THE WITNESS: So sad to see that.

14 Q (By Mr. Solomon-Simmons) Mother Fletcher,
15 we just watched a reenactment of the 1921
16 massacre.

17 A Uh-huh.

18 Q Did you see those type of images?

19 A Yes, sir.

20 MR. BENDER: I'm going to -- I'm going to
21 make an objection as to characterization of that
22 as a reenactment of the '21 race massacre, that
23 came from a TV show, and that certainly is subject
24 to interpretation. Show my objection for the City
25 on that.

1 MR. McCLURE: The State has -- also has an
2 objection, it was also a science fiction TV show.

3 MR. TUCKER: Just to be clear, this is
4 John Tucker with the Chamber, it's my
5 understanding that to move things along,
6 particularly in these depositions with these
7 folks, that one objection suffices for everybody
8 that's here on the -- on the record as a
9 defendant; is that correct?

10 MR. SOLOMON-SIMMONS: That is correct,
11 John, and it should be objection as to form only.

12 MR. TUCKER: Yes, sir. But it would apply
13 to everybody that -- one objection is good for
14 everybody?

15 MR. SOLOMON-SIMMONS: That's fine. Yes,
16 sir.

17 MR. TUCKER: Thank you.

18 Q (By Mr. Solomon-Simmons) Mother Fletcher,
19 did you see those type of images that we just
20 watched on the screen?

21 A Yes, sir. Yes, sir.

22 Q You saw black men being shot by white men?

23 A Being shot, yes.

24 Q You saw white men burning up black
25 businesses?

1 A Business and homes, yes. Yeah.

2 Q You saw -- did you see black bodies in the
3 street?

4 A Yes.

5 Q Did you -- did you have to run with your
6 family like the people on the TV -- on the show?

7 A Had to run, yes, my family.

8 Q Did you see airplanes in the air?

9 A What?

10 Q Did you see any airplanes during the
11 massacre?

12 A Yes, I heard the planes going over, yeah.
13 It was a big airplane.

14 Q One of the attorneys said that what we
15 watched was science fiction, what happened to you,
16 was it fiction?

17 MR. WILKES: Object to the form of the
18 question.

19 THE WITNESS: I was really upset about it
20 and have been ever since.

21 MR. McCLURE: Objection as to form; that's
22 not what I said.

23 Q (By Mr. Solomon-Simmons) But you actually
24 experienced the massacre; correct?

25 A Yes, yes.

1 Q You testified that you were -- you had to
2 be woke -- awakened out of your sleep and told, we
3 have to leave; correct?

4 A Yes, yes.

5 Q Did you get to take your dolls with you?

6 A Well, everything that we could load, we
7 carried with us, yes. Yes.

8 Q So you were able to grab some things?

9 A Well, whatever belonged to us, part of our
10 clothes and maybe shoes and to help to gather up
11 what things we had, yeah.

12 Q Were you able to get everything that you
13 owned?

14 A No, no, I don't think we did, just the
15 things that we really needed and had room for, you
16 know. Yeah.

17 Q And how -- how did you -- how did you run,
18 how did you get out of Tulsa?

19 A My parents had a vehicle, like a buggy,
20 horse and buggy is the way we were traveling. We
21 didn't have a car, we had to travel by -- well, if
22 you call it a buggy. Well, yeah, I haven't seen a
23 picture of what we had, but it was something we
24 rode in.

25 Q Okay.

1 A Like a buggy.

2 Q And so in that buggy, it would have been
3 your parents?

4 A The parents and all the kids, we was all
5 crammed down in the same little --

6 Q Okay.

7 A Yeah.

8 Q And did your parents tell you anything as
9 they were putting you in the buggy?

10 A Oh, yes, they had to leave, the
11 announcement came through the neighborhoods is why
12 they gathered up to leave, for all the people to
13 get out of town, that they were killing all the
14 black people and for us to, you know, to leave if
15 we wanted to be alive. So that's why -- that was
16 the reason they left, so they could start
17 gathering up, not only my family, everybody that
18 could, you know, in the neighborhood.

19 Q Let's look at Exhibit -- Exhibit 5.

20 A Did we --

21 (Plaintiff's Exhibit Number 5 marked for
22 identification and made part of the
23 record)

24 Q (By Mr. Solomon-Simmons) He's going to
25 show it, he's going to give it to you.

1 A Is that some, uh-huh.

2 Q You see this picture?

3 A Uh-huh, yes.

4 Q Can you read what it says on the picture?

5 A "Running the Negroes out of town" -- "out
6 of Tulsa, June."

7 Q 1st?

8 A Whatever -- whatever it was. 1921.
9 Thursday, 1921, wow.

10 Q And that's exactly what happened to you
11 and your family; correct?

12 A Yes, sir, yes, sir.

13 Q And your neighbors?

14 A My neighbors, yeah. Everybody -- I think
15 everybody in that neighborhood, you know, we
16 all -- they were leaving.

17 Q But some -- but some people you -- strike
18 the question.

19 While you were running or getting out of
20 town, did you have to hide in the buggy?

21 A Well, we were -- yes, we were, was just
22 all crowded in together and couldn't see out after
23 that, so.

24 Q When you say you couldn't see out, why
25 couldn't you see out, did you have a blanket on

1 top of you?

2 A Yeah, all covered in in the buggy, yeah.

3 Q Were your siblings crying?

4 A Yes. Well, we wondering why, you know, we
5 were being treated like that, you know, in such a
6 rush, so we were very unpleasant about it,
7 probably was --

8 Q Let's look at Exhibit 6.

9 (Plaintiff's Exhibit Number 6 marked for
10 identification and made part of the
11 record)

12 THE WITNESS: Hum. I hadn't seen that
13 one.

14 Q (By Mr. Solomon-Simmons) No, I'm fixing to
15 show it to you.

16 A Oh, yeah, yeah. Hum, seeing people laying
17 on the ground, uh-huh, yeah.

18 Q Did you see people laying on the ground?

19 A Yes.

20 Q Did you see blood coming from people?

21 A Well, yes, blood coming from them. I
22 don't know, wonder why would they shoot that man,
23 hum.

24 Q Let's go to Exhibit 7.

25 (Plaintiff's Exhibit Number 7 marked for

1 identification and made part of the
2 record)

3 THE WITNESS: Yeah.

4 MR. SOLOMON-SIMMONS: Karen, do you want
5 me, just because of technology, to say I move to
6 admit this exhibit after each one or is it fine if
7 I introduce it that you know I'm going to admit
8 it?

9 COURT REPORTER: Yes, that's fine, it's
10 however you want to do it.

11 MR. SOLOMON-SIMMONS: Guys, is that, and,
12 Kristina, is that okay with you guys, I know -- if
13 you want to lodge any objections? Can you guys
14 hear me?

15 MR. WILKES: We reserve our objections as
16 to admissibility, but for the purposes of the
17 deposition.

18 MR. SOLOMON-SIMMONS: Okay. Well, that's
19 fine, just wanted to make sure we're clear for the
20 record.

21 THE WITNESS: Guys with guns, yeah. Hum.

22 Q (By Mr. Solomon-Simmons) Mother Fletcher,
23 I'm showing you Exhibit 7, it shows a white guy in
24 Tulsa with guns, what appears to be smoke in the
25 background, do you see that, do you see the

1 picture? Do you see the picture?

2 A Yes.

3 Q Did you see guys like -- like that during
4 the massacre?

5 A With guns, yes. Yeah.

6 Q White guys?

7 A White guys, that's who we saw, it was all
8 white people doing all of this, you know, yeah.

9 Q It was the white people killing the black
10 people; right?

11 A Yes, yes.

12 Q Could you -- you said you could hear the
13 gunshots?

14 A Yes.

15 Q You said you heard the airplanes?

16 A And smell smoke and saw flames of fire,
17 all of that.

18 Q Mother Fletcher, how did it feel to see
19 the community that you had earlier testified that
20 you loved being burnt up right in front of you?

21 A Well, it made you feel sad about it, you
22 know, you wonder now if we lose this house, where
23 would we get another one, it was always a thought,
24 you know, everything, losing everything that you
25 owned and it was a kind of bad treatment.

1 Q You just testified about losing your home,
2 so let's be clear for the record, you had to leave
3 your home; correct?

4 A Yes, had to leave it, yeah.

5 Q You couldn't take the home with you?

6 A No, no.

7 Q Where did your family go when you had to
8 run out of Tulsa because of --

9 A They went to a little town they called
10 Claremore, yeah.

11 Q And why did you go to Claremore?

12 A Well, I don't know, I guess that was the
13 closest place or the place that they planned to
14 stay until, you know, we could make other
15 arrangements.

16 Q Did you -- did your family have any
17 relatives in Claremore?

18 A Yes, I think they did, friends and
19 relatives, you know.

20 Q Would you look at Exhibit 9.

21 (Plaintiff's Exhibit Number 9 marked for
22 identification and made part of the
23 record)

24 Q (By Mr. Solomon-Simmons) Your grandson is
25 going to show it to you. Hold on.

1 A Is that where the tent was?

2 MR. SOLOMON-SIMMONS: Hold up, guys,
3 having a little -- let me get this back up.

4 THE WITNESS: No house there.

5 MR. SOLOMON-SIMMONS: What's going on? I
6 lost my exhibit somehow. Karen, can we go off
7 record for one moment?

8 (Discussion off the record)

9 Q (By Mr. Solomon-Simmons) We're back on
10 record. Share my screen. Okay. Mother -- Mother
11 Fletcher, we were talking before our break that
12 your family fled as refugees to Claremore; is that
13 correct?

14 A Uh-huh.

15 Q How long did it take you to get to
16 Claremore, do you remember?

17 A I don't remember. No.

18 Q Okay. But Claremore, according to Google
19 Maps, if you're looking at this, is about 27 miles
20 away from Tulsa, does that sound accurate to you?

21 A Yeah.

22 Q Okay. On your way to Claremore, was there
23 a highway?

24 A Well, it was a little, yeah, it was a
25 highway, you know, where people travel.

1 Q Okay. Did you see other people running
2 from the massacre?

3 A Running, running, yeah, other people,
4 walking, running, driving, whatever way of
5 transportation they had.

6 Q And when you got Claremore, did you have
7 a -- did your family have a house waiting for you?

8 A No, no. No, huh-uh.

9 Q Where did you live once you got to
10 Claremore?

11 A Well, they had tents, people then lived in
12 tents, you know, you could kind of -- however way
13 you get the tent to stay up, that you spend some
14 time there, yeah.

15 Q So when you living in Tulsa before the
16 massacre, you had an actual house?

17 A House, yes.

18 Q But because of the massacre, you had to
19 move to Claremore?

20 A To Claremore without a house.

21 Q Did your family have to leave -- strike
22 that.

23 Was it hard for you to adjust from living
24 in a house to then going to live in a tent?

25 A Yes. Because the family was all under

1 one -- in the tent all together, you know, so that
2 made a big difference, you didn't have rooms, you
3 just had one little area, and we all slept on the
4 floor, we didn't have beds to sleep in, so.

5 Q When you were in Tulsa, before the
6 massacre, you had a bed to sleep in?

7 A Bed to sleep in, yes.

8 Q After the massacre, no bed?

9 A No bed, no.

10 Q What about money, did your family have any
11 money once you went to Claremore?

12 A No money, no, no, no, they just worked as
13 sharing their labor for support of the family,
14 like food and a place to stay, yeah.

15 Q Was life harder in Claremore after the
16 massacre than it was before the massacre?

17 A Yes, it was, yes, much harder than it was.

18 Q Did your family receive any money to
19 replace the home you lost in the massacre?

20 A No, no, not that I know of, no.

21 Q Did your family receive any money to
22 replace the personal property that you left
23 behind?

24 A No.

25 Q Did your family receive any money for

1 moving expenses to have to move from Tulsa to
2 Claremore?

3 A No, no, I can say that, no.

4 Q Did your family receive an apology from
5 the City of Tulsa for what happened to you?

6 A No, not that I know of, if they did, well,
7 they didn't -- didn't let me know that they did,
8 so I'm sure they didn't. Oh, no, why would they?

9 Q Have you received an apology from
10 anyone --

11 A No.

12 Q -- for what happened to you and your
13 family?

14 A No, have not.

15 Q To your knowledge, was anyone ever
16 arrested for running you out of Tulsa?

17 A No.

18 Q Do you believe those who ran you and your
19 family out of Tulsa should have been held
20 accountable?

21 A I think so, yeah.

22 Q Even today, 99 years later, you still feel
23 like those who ran you out of Tulsa should be held
24 accountable; is that correct?

25 A Yes.

1 Q Yes, ma'am. It says, "Lynching and other
2 forms of racial terrorism inflicted deep,
3 traumatic and psychological wounds on survivors,
4 witnesses, family members and the entire African
5 American community," did you hear that?

6 A Yes.

7 Q Do you believe you have deep traumatic
8 trauma based on what you experienced in 1921?

9 A Yes. Yes.

10 Q Why do you believe you have trauma?

11 A Well, just the condition of being
12 comfortable with different things, you know, and
13 you always have to think back over those things,
14 you never know when it will happen again, so.

15 Q Wow. Do you think about what happened to
16 you often?

17 A Yes. Daily.

18 Q You think about what happened to you
19 daily?

20 A Yes, that's what all -- at my age, that's
21 about all I can do is sit and think back over my
22 life, you know, yes, sir. Some of those thoughts
23 every day, yes, sir.

24 Q Do you still feel fear?

25 A Fear, oh, yes, I think there will always

1 be fear among the black people and the white
2 people, you know, in certain extents.

3 Q Are you -- are you afraid of white people?

4 A No, but you have to be careful, there's
5 certain extensions there, you know.

6 Q What do you mean?

7 A Pardon?

8 Q You say you have to be careful?

9 A Yeah.

10 Q You feel like you have to be careful with
11 white people?

12 A Well, I do, I mean, just certain extents,
13 you know, there's so much privilege you have when
14 you around with them, yeah.

15 Q Did you feel -- did you feel like you had
16 to be careful with white people before the
17 massacre?

18 A Well, yes, yes. And I think there will
19 be -- always will be. Yes, sir.

20 Q Do you have nightmares about the massacre?

21 A Well, if there's someone -- accident or
22 someone getting killed, you know, you wonder, you
23 think where it started from, look like ever since
24 then it's been happening so much, so often with
25 the black people.

EXHIBIT 3

The African American Section, 1921

Tulsa Oklahoma

The African American section of Tulsa contained 191 businesses prior to the Race Riot of 1921, which included 15 doctors, a chiropractor, 2 dentists, and 3 lawyers. The residents also had access to a library, 2 schools, a hospital, and a Tulsa Public Health Service. The *Polk City Directory* listed 159 businesses in 1920 and after the riot, in 1922, there were 120 businesses in the directory. In the *City Directory* in 1921 there were 1,149 residences and most of them were occupied by more than one person—or even one family; the 1920 directory reported 1,126 residences. After the riot, the 1922 directory listed 1,134 residences.

The Red Cross reported that 1,256 houses were burned, 215 houses were looted but not burned, and the total number of buildings not burned but looted and robbed were 314. The Tulsa Real Estate Exchange estimated \$1.5 million worth of damages and one-third of that in the Black business district. The Exchange claimed personal property loss at \$750,000. Between June 14, 1921, and June 6, 1922, \$1.8 million of claims were filed against the city of Tulsa and disallowed.

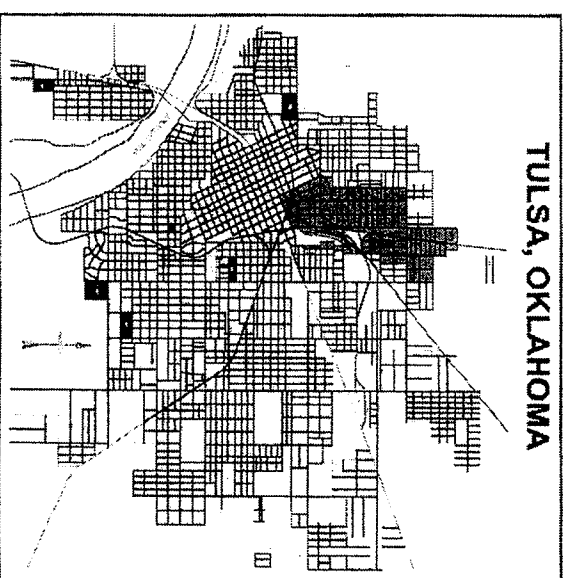
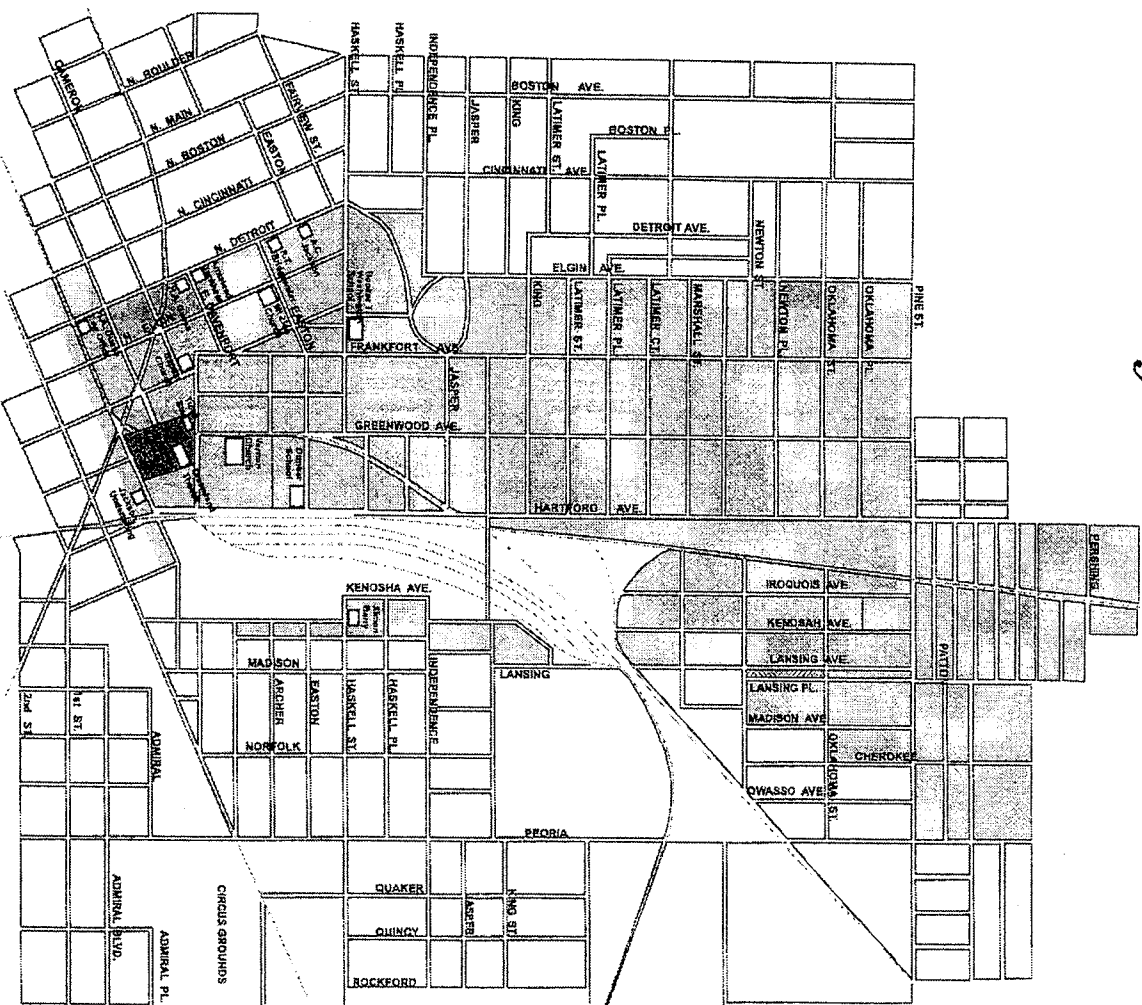


EXHIBIT 4

EXHIBIT 5

New York Office
40 Rector Street, 5th Floor
New York, NY 10006-1736

T 212.965.2300
F 212.238.7592

www.nacpldf.org



Washington, D.C. Office
1444 Eye Street, NW, 10th Floor
Washington, D.C. 20005

T 202.682.1300
F 202.682.1312

May 31, 2018

G. T. Bynum, Mayor
City of Tulsa
175 East 2nd Street, Suite 690
Tulsa, Oklahoma 74103

David Patrick, Chair, City Council
City of Tulsa
175 East 2nd Street, 4th floor
Tulsa, Oklahoma 74103

RE: Policing Reform Efforts in the City of Tulsa

Dear Mayor Bynum and Councilor Chairman Patrick:

The NAACP Legal Defense and Educational Fund, Inc. and the undersigned Tulsa civil right attorneys, religious leaders, elected officials, law enforcement officials, and community activists write in response to the recently released *Tulsa Equality Indicators Annual Report 2018*, which found that in the City of Tulsa's (City) justice system, Black residents are arrested over twice as often as White residents, and Blacks are five times as likely to be victims of officer use of force than all other racial and ethnic groups.¹ These disturbing findings are well-known to residents and City officials, as previous research, litigation, and news reports have documented racial disparities in the practices of the Tulsa Police Department (TPD) for decades.² Indeed, in the aftermath of the police-involved shooting death of Terence Crutcher, last year, City officials formed and served as members of the Tulsa Commission on Community Policing (the Commission), which released seventy-seven (77) recommendations for improving policing practices in Tulsa.

We are dismayed, however, that there are very few recommendations that will address the City's well-documented and long history of racially-biased policing, and none that will hold TPD officers accountable if they fail to comply with the proposed policies, trainings and data collection outlined in the *Findings and Recommendations of the Tulsa Commission on Community Policing* report.³ Therefore, we request that you: 1) immediately adopt the policy recommendations outlined below; and 2) within the next sixty (60) days, hold public hearings to investigate the recent findings in the *Tulsa Equality Indicators* report and solicit more information and recommendations from the public about TPD's use-of-force and arrest practices.

¹ City of Tulsa, et al, *Tulsa Equality Indicators*, Annual Report 2018, 24-26 (Apr. 4, 2018), <https://www.tulsaei.org/blog/2018/04/tulsa-releases-first-annual-equality-indicators-report/>.

² See, Ziva Branstetter, *Groups renew request for city probe of police*, Tulsa World, May 5, 2001 (describing a photo two white Tulsa police officers holding a handcuffed arrestee around the neck with the words "say cheese" under the photo), http://www.tulsaworld.com/archives/groups-renew-request-for-city-probe-of-police/article_10cac80e-7a06-5506-bd7b-00c825bd7e90.html; See also, Ian Ayres, *Supplemental Report on Racial Disparities of the Tulsa Police Dep't*, Tr. Doc. 318, *Johnson v. City of Tulsa*, Civil No. 94-CV-00039-TCK-FHM (N.D. OK July 2, 2001) (finding racial disparities in arrests and use-of-force by Tulsa police officers).

³ City of Tulsa, *Findings and Recommendations of the Tulsa Commission on Community Policing*, Executive Summary, Mar. 10, 2017, <https://www.cityoftulsa.org/media/3298/community-policing-commission-executive-summary.pdf>.

The Tulsa Commission wisely considered recommendations from the *Final Report of the President's Task Force on 21st Century Policing*. Members of former President Obama's Task Force held listening sessions in cities across the country to collect information from police executives, civil rights advocates, activists and researchers about promising practices for building trust between law enforcement agencies and the communities they serve.⁴ The Task Force noted that in 2015, the public's confidence in law enforcement was declining in communities of color.⁵ This lack of trust was due in part to highly-publicized police killings of unarmed men, women and children of color and the lack of accountability for these killings both criminally and administratively.⁶ The Task Force's recommendations and action items provide a road map of steps that law enforcement agencies should take to fulfill the six pillars detailed in the report: building trust and legitimacy; policy and oversight; technology and social media; community policing and crime reduction; training and education; and officer wellness and safety.

Recognizing that for valid reasons, Black residents of the City also lack confidence in law enforcement, Tulsa Commission members appropriately adopted the pillars and several recommendations from the Task Force report. However, according to the Tulsa Commission report's appendix,⁷ commissioners considered but did not approve any of the measurable actions steps that could result in greater police accountability, including in the areas of use of force and arrests. So, following the instruction of the great abolitionist Frederick Douglass who stated "[p]ower concedes nothing without a demand...[i]t never did, and it never will,"⁸ we demand City officials immediately adopt and carry out promptly the following policies and action items:

1. **Revise TPD policies and training to emphasize de-escalation and alternatives to arrests in TPD's policies and training where appropriate.**⁹ TPD's use-of-force policy does not require officers to use de-escalation tactics to avoid the use of force. The Tulsa Commission report states that the TPD should continue scenario-based training, including instruction on de-escalation, but the department does not appear to have a de-escalation policy. Additionally, while the Tulsa Commission report recommends implementing "least harm" resolutions, such as warnings and citations, in lieu of arrest for minor infractions, Commissioners did not specify what type of minor infractions are eligible for these resolutions. This information should be captured in a departmental policy.

⁴ President's Task Force on 21st Century Policing, *Final Report of the President's Task Force on 21st Century Policing*, U.S. Office of Community Oriented Policing Services, May 2015, <https://ric-zai-inc.com/Publications/cops-p311-pub.pdf>. (Hereinafter *President's Task Force Report*).

⁵ *Id.* at 9.

⁶ Jeffrey Jones, *In U.S., Confidence in Police Lowest in 22 Years*, GALLUP, June 19, 2015, <http://news.gallup.com/poll/183704/confidence-police-lowest-years.aspx>.

⁷ See, Tulsa Commission on Community Policing, *Appendix*, <https://www.cityoftulsa.org/media/3299/community-policing-commission-appendix.pdf>.

⁸ On August 3, 1857, Frederick Douglass delivered a "West India Emancipation" speech at Canandaigua, New York, on the twenty-third anniversary of the event. Most of the address was a history of British efforts toward emancipation, as well as a reminder of the crucial role of the West Indian slaves in that own freedom struggle. See, <http://www.blackpast.org/1857-frederick-douglass-if-there-no-struggle-there-no-progress>

⁹ *President's Task Force Report*, *supra* note 4, at 20.

2. **Require external and independent investigations of police use-of-force incidents resulting in death or injury and in-custody deaths.**¹⁰ On May 2, 2018, the Tulsa Fraternal Order of Police hosted a Tulsa District Attorney debate that featured all four of the major district attorney candidates. One of the questions posed to all of the candidates was whether they believe TPD should investigate their own alleged misconduct.¹¹ Regardless of what the eventual new district attorney decides, if the City truly values improving community trust and faith in TPD, then the City should follow the lead of the Sand Springs, Oklahoma Police Department by adopting a policy and practice of routinely referring certain incidents, such as the shooting or attempted shooting of a person by a law enforcement officer, to an independent agency for investigation. Sand Springs has a Memorandum of Understanding with the Oklahoma State Bureau of Investigation to conduct investigations of certain incidents.¹²
3. **Create use-of-force policies that state clearly what information will be released relating to incidents.**¹³
4. **Establish a Serious Incident Review Board comprising of sworn staff and community members who will review cases involving officer-involved shootings and other serious incidents that have the potential to damage community trust or confidence in the agency.**¹⁴ The Board should identify and recommend any administrative, supervisory, training, tactical, or policy issues that need to be addressed. According to the TPD's use-of-force policy, a Deadly Force Review Board, comprising only TPD officers, reviews deadly force incidents referred to it by the police chief.¹⁵ TPD should diversify the composition of the Board and require it to review all serious incidents.
5. **Partner with the International Association of Directors of Law Enforcement Standards and Training to contribute to its National Decertification Index that collects information about officers who have had their licenses or certifications revoked.**¹⁶ This will allow law enforcement agencies to identify problem officers before they are hired. It appears that the Oklahoma Council on Law Enforcement Education and Training has submitted the names of decertified officers to the National Decertification Index in the past.¹⁷ But, it is unclear whether TPD notifies this agency of its decertified officers. We urge TPD to do so.

¹⁰ *Id.* at 21.

¹¹ See, Dylan Goforth, *Tulsa County DA debate turns to questions over last summer's Betty Shelby trial*, *The Frontier*, May 2, 2018, <https://www.readfrontier.org/stories/tulsa-county-da-debate-turns-to-questions-over-last-summer-betty-shelby-trial/>.

¹² Sand Springs Police Department, *Memorandum of Understanding between Oklahoma State Bureau of Investigation and Sand Springs Police Department*, Oct. 10, 2016.

¹³ *President's Task Force Report*, *supra* note 4, at 22.

¹⁴ *Id.*

¹⁵ Tulsa Police Department, *Use of Force Procedure 31-101A*, Aug. 28, 2014, https://www.tulsapolice.org/media/161292/public_policy_manual121217.pdf.

¹⁶ *President's Task Force Report*, *supra* note 4, at 29.

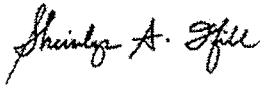
¹⁷ Council on Law Enforcement Education and Training, *Meeting Agenda*, 3, Jan. 29, 2014 (stating "names of individuals whose certification has been suspended or voluntarily surrendered since the last meeting...will be

6. **Retain a nationally recognized police department implicit bias trainer with community input.** While pleased that the City finally decided to incorporate mandatory implicit bias training for TPD officers and City executives, we were disappointed to learn that the City did not hire a national expert with a proven track record of successfully training police departments regarding implicit bias. This act has actually created more distrust because it appears the City is just engaging in a "check the box" activity, and not seriously attempting to change the racially discriminatory practices and culture of TPD. We have relationships with national experts, including researchers, who have worked with law enforcement agencies and could partner with the city's current consultant. We are more than willing to share those names with City officials.

Finally, we demand the City Council to hold public hearings to investigate the *Tulsa Equality Indicators* report findings of racial disparities in TPD's arrest and use-of-force practices within the next sixty (60) days. It is simply unacceptable to acknowledge racial inequities in City reports and do little to nothing to address them. A hearing will allow members of the public to share their views about these findings and offer recommendations for change.

We welcome the opportunity to discuss further the above policy reform recommendations in a meeting. Please feel free to contact Tulsa attorney Damario Solomon-Simmons at 918-587-3161, or Monique Dixon, Deputy Director of Policy and Senior Counsel at the NAACP Legal Defense Fund, at 202-682-1300 to schedule a mutually convenient time to meet.

Sincerely yours,



Sherrilyn A. Ifill*
President & Director Counsel
NAACP Legal Defense Fund, Inc.
*Admitted to the Bars of New York and Maryland



Damario Solomon-Simmons, Attorney, Of Counsel
Riggs, Abney, Neal, Orbinson, Turpen, & Lewis

Dr. Tiffany Crutcher, President
Terence Crutcher Foundation

Drew Diamond, Former Chief of Police
Tulsa Police Department

Councilwoman Vanessa Hall-Harper
City of Tulsa, District One

Rep. Regina Goodwin
Oklahoma State Representative

Ryan Kiesel, Executive Director
Oklahoma ACUL

David Blatt, Ph.D., Executive Director
Oklahoma Policy Institute

Sen. Kevin Matthews
Oklahoma State Senate

Rep. Monroe Nichols
Oklahoma State Representative

Dr. Ray Owens, Senior Pastor
Metropolitan Baptist Church

Rev. M.C. Potter, Senior Pastor
Antioch Baptist Church

Danny Williams, Former US Attorney
U.S. District Court, Northern District
of Oklahoma

Chief Egunwale Amusan
African Ancestral Society

Richard Baxter, President
Racism Stinks

Monya Brown
Community Activist

Thomas Boxley, Executive Director
The Institute for Developing
Communities

Darryl Bright, President
C.U.B.E.S., Inc.

Layla Caldwell, Pastor
United Coalition of Ministers

Mrs. Leanna Crutcher
Mother of Terence Crutcher

Rev. Joey Crutcher, Sr.,
Father of Terence Crutcher

Anthony Douglas, State President
Oklahoma State NAACP

Rev. Jamaal Dyer
Community Activist

Hailey Ferguson
Community Activist

Nehemiah Frank
Editor-In-Chief, Black Wall Street Times

Caleb Gayle
Community Activist

James (Jim) Goodwin
Oklahoma Eagle Newspaper

Pastor Scott Gordon
Senior Pastor, Calvary Baptist Church

Dr. Rodney Goss, Senior Pastor
Morning Star Baptist Church

Angela Graham, Candidate
Oklahoma House District 66

Tracy Love, President
Love & Associates

Nate Morris
Greater Tulsa Alumnus, Teach of America

David Riggs, Senior Partner
Riggs, Abney, Neal, Orbinson, Turpen,
& Lewis

Greg Robinson
Community Activist

Shea Seals
Tulsa Basketball Legend

Pastors Terry & Barbara Shannon
New Heights Christian Center

Sarah Smith-Moore
Aware Tulsa

Robin Steinberg, Executive Director
Still She Rises, LLC

Bruce Suttle
Community Activist

Etan Thomas, NBA Star
Author and Native Tulsan

Rhea Vaugh-Dobbin
Community Activist

Charles Wilkes, Candidate
Tulsa City Council District 3

Kandy White
Community Activist

Bobby Woodard, Pharm. D
Westview Medical Clinic

Rev. Gerald Davis
The United League of Social Justice-Tulsa

Robin Taylor
Community Activist

Dr. Robert Turner, Senior Pastor
Vernon AME Church

Pastor Weldon Tisdale, Senior Pastor
Friendship Missionary Baptist Church

Bill White
Community Activist

Kristi Williams
Community Activist

Dr. Runako Whittaker
Westview Pediatric Care

cc: Tulsa City Councilors