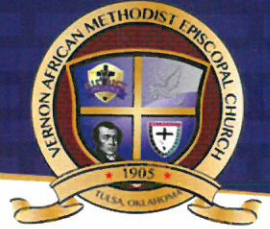


# HISTORIC VERNON

## AFRICAN METHODIST EPISCOPAL CHURCH

311 N. Greenwood Avenue • Tulsa, Oklahoma 74120



TO: Office of the United Nations High Commissioner for Human Rights (OHCHR) and relevant special procedure mandate holders

FROM: Rev. Dr. Robert Turner, Historic Vernon Chapel African Methodist Episcopal (A.M.E.) Church, Tulsa, Oklahoma

DATE: December 3, 2020

RE: The Tulsa Race Massacre, Racial Injustice in Law Enforcement, and the Ongoing Fight for Reparations – Submission for the Report Pursuant to Human Rights Council Resolution 43/1

I write to you as the pastor of the Historic Vernon Chapel African Methodist Episcopal (A.M.E.) Church in Tulsa, Oklahoma, in response to the call for inputs on the preparation of the report of the United Nations High Commissioner for Human Rights pursuant to Human Rights Council resolution 43/1 on the “Promotion and protection of the human rights and fundamental freedoms of Africans and people of African descent against excessive use of force and other human rights violations by law enforcement officers.” Our church is significant not only for its vibrant community, but also because it is the only edifice that survived one of the worst chapters in our nation’s history: the 1921 Tulsa Race Massacre. On the evening of May 31, 1921, a white racist mob wrought havoc and death in Greenwood, which at the time was a prosperous Black community with a thriving business district known as “Black Wall Street.” Members of the mob, many of whom had been deputized by the local police department, cooperated with the local National Guard to indiscriminately kill residents of Greenwood. Many of those who escaped death were arrested without cause. After the massacre, Greenwood’s wealth was decimated, and white racists expropriated much of what remained. Because these events were erroneously labeled a “riot,” Black residents of Greenwood who lost property were not able to access their insurance policies for recompense, magnifying the injury.

In the years since 1921, our community in Tulsa has grown again and struggled to achieve acknowledgement, healing, and reparations for the tragedies suffered nearly a century ago. Community members were robbed of intergenerational wealth, and we have fought for years to push back against burdens of debt that have their roots in the violence and illegal expropriation of 1921. We have struggled with the persistent problem of impunity for years, and continue to fight for accountability from the police and other institutions of government. This historical impunity mirrors contemporary impunity for racial injustices in our community. Even today, our Black citizens experience heightened police harassment, unequal treatment by law enforcement and the justice system, and a continued unwillingness from our government officials to discuss meaningful redress and reparations.



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With that in mind, I am heartened to see the Office of the United Nations High Commissioner for Human Rights (OHCHR) taking interest in some of the most significant problems facing Black Americans. I want to draw your attention to several specific portions of the call for inputs that relate most directly to international human rights violations that have occurred in Tulsa.

1. First, this submission provides “[i]nformation regarding specific incidents of alleged violations of international human rights law against Africans and people of African descent by law enforcement agencies, especially those incidents that resulted in the death of George Floyd and other Africans and people of African descent” by describing the 1921 Tulsa Race Massacre, especially the assistance and participation of law enforcement, and issues of systemic racism and policing in Tulsa today.
2. Second, this submission outlines the “[m]easures taken to ensure accountability, remedy and redress and address any impunity for human rights violations against Africans and people of African descent [which occurred during the Tulsa Race Massacre], particularly by law enforcement agencies; and the outcomes and effectiveness of such measures.” As this submission will detail, measures taken to address the Tulsa Race Massacre have been grossly inadequate, resulting in long-running impunity for human rights violations against Black Tulsans. The Greenwood community continues to be harmed by the impunity our government has enjoyed for its role in the Tulsa Race Massacre. This submission identifies and includes three “related public reports” to further inform OHCHR: [Human Rights Watch’s \(HRW\) 2020 report \*The Case for Reparations in Tulsa, Oklahoma\*](#), [HRW’s 2019 report titled “Get on the Ground!”: Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma](#), and the [Tulsa Equality Indicators Report for 2019](#). The third report was written in part by the City of Tulsa and provides a perspective on inequality in the city, though these views are not entirely objective and the framing of the report does not adequately reflect the scope of the inequality challenges, particularly for Black Tulsans.
3. Third, this submission identifies “challenges and lessons learned regarding measures taken to ... ensure accountability for human rights violations against Africans and people of African descent and access to effective remedies and redress for such victims of contemporary and associated historical human rights violations.” Black Tulsans have been witnesses to 100 years of impunity for the perpetrators of racial violence, a sad milestone that we will mark at the centennial of the Tulsa Race Massacre on May 21, 2021. The lesson from Tulsa is this: Modern issues of systemic racism in policing cannot be addressed without considering historical impunity for violence committed by law enforcement against Black people. In addition to reforms, Africans and

people of African descent need transitional justice to provide recognition, restitution, and reparations for historic and modern impunity.

With regard to those specific items in the calls for inputs, I have organized my submission to address the following topics: **(1)** what happened in Tulsa in 1921, with an emphasis on the consistent denial of accountability and how that lack of accountability has continued until today; and **(2)** the value of concepts drawn from transitional justice, including reparations, as vehicles for addressing that impunity.

### **The Tulsa Race Massacre**

In 1921, the Greenwood neighborhood in Tulsa, Oklahoma was known as the “Black Wall Street.” Despite the challenges of racism, Black entrepreneurs ran a variety of businesses and the community enjoyed prosperity. But on May 31, 1921, an armed white mob, including law enforcement officers and hundreds of deputized whites, destroyed Black Wall Street.<sup>1</sup>

Earlier that night, a white mob gathered at the county jail to lynch Dick Rowland, a Black man accused of assaulting a white woman. A gun discharged when a white man tried to disarm a Black man who came to help the Sheriff protect Rowland, and the mob descended into violence. Instead of attacking the jailhouse, the mob converged on Greenwood—shooting, looting, and burning everyone or everything in its path. Tulsa police made no attempt to stop the massacre; instead, they participated in the violence.<sup>2</sup> Public officials also supplied weapons and ammunition to the white mob.<sup>3</sup> Airplanes dropped firebombs on Greenwood and shot at people from the air—making this the first air attack on U.S. soil.<sup>4</sup> The mob burned more than 1,200 homes, 60 businesses, a school, a hospital, a public library, and a dozen Black churches.<sup>5</sup> Three hundred or more Black people were killed.<sup>6</sup>

The next day, a state-led cover-up of the racially motivated violence began. Rather than arresting members of the white mob, local police and the national guard rounded up all of the Black people in the town and imprisoned them in internment camps. Displaced by the destruction of

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<sup>1</sup> TULSA RACE RIOT: A REPORT BY THE OKLAHOMA COMMISSION TO STUDY THE TULSA RACE RIOT OF 1921 11-12, 159, 165, 180 (Feb. 28, 2001), <https://www.okhistory.org/research/forms/freport.pdf>.

<sup>2</sup> TIM MADIGAN, THE BURNING: THE TULSA RACE MASSACRE OF 1921 229 (Thomas Dune Books, 2013); OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1 at 74.

<sup>3</sup> OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1.

<sup>4</sup> MADIGAN, *supra* note 2 at 131.

<sup>5</sup> OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1 at 145.

<sup>6</sup> Dreisen Heath, *The Case for Reparations in Tulsa, Oklahoma*, HUMAN RIGHTS WATCH 6 (May 29, 2020, 8:00 AM), [https://www.hrw.org/news/2020/05/29/case-reparations-tulsa-oklahoma#\\_Toc41573976](https://www.hrw.org/news/2020/05/29/case-reparations-tulsa-oklahoma#_Toc41573976).

their homes, thousands of people had to spend months in these camps.<sup>7</sup> Eighty-five people—mostly Black—were indicted for rioting, carrying weapons, looting, and arson.<sup>8</sup>

Only one white official was ever convicted in connection to the massacre: Tulsa police chief John Gustafson was found guilty of neglect of duty and receiving rewards for freeing automobile thieves. He was fined and fired from the police department.<sup>9</sup> This sole conviction was an inadequate measure to respond to the police's role in the massacre, because the prosecutor argued that Gustafson was negligent *for failing to protect white people* from violence instigated by Blacks.<sup>10</sup>

Officials blamed Black people for the violence and created a false narrative that what occurred on May 31st and June 1st, 1921 was a “race riot,” rather than a one-sided massacre assisted by state law enforcement. The final 1921 grand jury report, for instance, said Black people caused the violence and that “[t]here was no mob spirit among the whites, no talk of lynching and no arms. The assembly was quiet until the arrival of the armed Negroes, which precipitated and was the direct cause of the entire affair” and suggested that “agitation....[for] social equality” caused the violence.<sup>11</sup> Following this narrative, white Tulsans enjoyed impunity for the killings, looting, and property destruction committed during the massacre.<sup>12</sup> The prosecutor who charged Gustafson fully endorsed impunity as well: “those who armed themselves for the obvious purpose of protecting their property and lives violated no law. The [police] chief neglected to do his duty and the citizens after seeing their police fail, took matters into their own hands.”<sup>13</sup> Tulsa officials have repeatedly denied responsibility for the massacre and extended impunity to those who participated.

Impunity also undermined efforts to rebuild Greenwood. Despite promises from Tulsa officials, no public money was allocated to help the neighborhood rebuild.<sup>14</sup> Instead, public officials actively impeded efforts to rebuild Greenwood. In the period immediately after the massacre, officials rejected offers of reconstruction assistance, dismissed lawsuits against the city and insurance companies that refused to play claims for property losses worth more than \$1.4 million in 1921, denied claims worth \$1.8 million filed with the “City Commission,” and attempted to implement a development plan and zoning ordinance that would have created a white-owned industrial district in Greenwood.<sup>15</sup> In subsequent decades, redlining and urban renewal,

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<sup>7</sup> OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1 at 88.

<sup>8</sup> MADIGAN, *supra* note 2 at 229; JAMES S. HIRSCH, RIOT AND REMEMBRANCE: AMERICA'S WORST RACE RIOT AND ITS LEGACY 128 (2003).

<sup>9</sup> SCOTT ELLSWORTH, DEATH IN A PROMISED LAND: THE TULSA RACE RIOT OF 1921 97 (1992).

<sup>10</sup> HIRSCH, *supra* note 8 at 129.

<sup>11</sup> OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1 at 167.

<sup>12</sup> *Id.*

<sup>13</sup> *Id.*

<sup>14</sup> ELLSWORTH, *supra* note 9 at 84.

<sup>15</sup> OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1 at 145; ELLSWORTH *supra* note 9 at 84, 168.

especially highway construction projects, undermined Greenwood's ability to be an economic hub and forced many Black residents to move.<sup>16</sup> Redlining—a set of policies designed to exclude Black families from owning property in certain areas by denying them loans to afford that property—meant that Black families struggled to afford living in Greenwood. As Black residents were forced out of Greenwood, urban renewal and highway construction ensured that little of the old Greenwood remained.

### **Impunity Continues Today**

Survivors of the massacre have repeatedly advocated for public recognition, restitution, and reparations. But a lack of government action has meant that impunity for the Tulsa Race Massacre has persisted to this day. In 1997, the Oklahoma state government created the “Tulsa Race Riot Commission” to develop a historical record of the event. The final report found that the massacre was instigated by the white mob, assisted by law enforcement, and then covered up by public officials.<sup>17</sup> The report also recommended that Oklahoma and Tulsa provide reparations to the victims, their descendants, and the Greenwood community. In response, the Oklahoma state legislature partially adopted the report's finding by passing the “1921 Tulsa Race Riot Reconciliation Act,” but did not accept legal culpability on the part of the state, city, or citizens who participated.<sup>18</sup> In 2001, the Tulsa Reparations Coalition formed to advocate and file a lawsuit for reparations. But impunity for the crimes continued. The lawsuit was dismissed due to the statute of limitations and then-Governor Frank Keating publicly rejected the state's culpability in the Tulsa massacre.<sup>19</sup>

Tulsa's Black community has continued the push to hold our state and local governments accountable for actions taken during and after the Tulsa Race Massacre. Yet our elected leaders have failed to provide meaningful redress or reparations for past events, while at the same time continuing to perpetuate injustice against our community. The burden of recovering, rebuilding, and memorializing has fallen largely on the community itself. The Tulsa Race Massacre Centennial Commission has made some progress in supporting a Black Wall Street Mural and ensuring that the history of the Massacre is taught in local public schools.<sup>20</sup> But calls for reparations and needed changes in laws and policies have gone largely unanswered for nearly 100 years.

To mark the centennial of the Tulsa Race Massacre in May 2021, the Tulsa Community Remembrance Coalition plans to erect a memorial to the victims on the grounds of our church,

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<sup>16</sup> Heath, *supra* note 6 at 14-19.

<sup>17</sup> OKLAHOMA COMMISSION TO STUDY THE RACE RIOT OF 1921, *supra* note 1.

<sup>18</sup> 1921 Tulsa Race Riot Reconciliation Act of 2001, 74 OKLA. ST. ANN., § 8000.1 (West).

<sup>19</sup> Adrian Brune, *Tulsa's Shame*, THE NATION (Feb. 28, 2002), <https://www.thenation.com/article/archive/tulsa-shame/>.

<sup>20</sup> Heath, *supra* note 6.

Vernon A.M.E. However, this memorial will be funded by private contributions alone, with no support from our local government.<sup>21</sup> We have also continued to advocate for the passage of new laws in the U.S. House of Representatives<sup>22</sup> and in the Oklahoma state legislature that would provide opportunities for victims of the Tulsa Race Massacre to bring their cases in court. Such laws would provide a crucial avenue for victims to seek justice after a century of having their claims denied. However, our current mayor has said he does not want to talk about the possibility of reparations, but instead focus only on broader economic development in the city.<sup>23</sup>

One of the few examples of Black Americans successfully winning reparations comes from Rosewood, Florida, where another heinous race massacre occurred in 1923. In 1994, the Florida state legislature passed a bill that allowed limited reparations for victims and their families and established a scholarship for descendants to attend college tuition-free.<sup>24</sup> Efforts like these cannot fully account for the loss and injustice suffered in places like Rosewood and Tulsa. But without action to change laws and make reparations possible, our communities will continue to lack access to any portion of the justice and accountability we deserve.

Though the Tulsa Race Massacre occurred nearly one hundred years ago, the consequences of this terrible crime continue to harm our community to this day. Black Tulsans still face deeply unequal treatment by police. As recently as June of this year, an officer of the Tulsa Police Department, Major Travis Yates, responded to data about rampant police shootings of Black Americans by saying the police are shooting Black people “less than we probably ought to be.”<sup>25</sup> Such remarks are a painful reminder of ongoing racial injustice and continued impunity for government officials involved.

Over one-third of the city’s budget goes to the police department.<sup>26</sup> In general, more police stops are made in predominantly Black and poor areas, and Black people in Tulsa are arrested 2.3 times more often than white people.<sup>27</sup> Force is used against Black people in Tulsa 2.7 times more often than against white people, and Black people are killed by Oklahoma police 2.7 times as

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<sup>21</sup> *Id.*

<sup>22</sup> See John Hope Franklin Tulsa-Greenwood Race Riot Claims Accountability Act of 2013, H.R.98, 113th Cong. (2013), <https://www.congress.gov/bill/113th-congress/house-bill/98/text> (last visited Nov. 30, 2020) (bill originally proposed in 2013).

<sup>23</sup> Kimberly Jackson, *Mayor Says Reparations Would Divide the City, Focuses on Development*, KTUL (Feb. 20, 2020), [https://ktul.com/news/local/mayor-says-reparations-would-divide-the-city-focuses-ondevelopment?fbclid=IwAR3PAof5SkklITSooB8\\_YkXqwNaqwTdWTT5C5gImDrwOHBPxJWhlvQS\\_bEnx5Y](https://ktul.com/news/local/mayor-says-reparations-would-divide-the-city-focuses-ondevelopment?fbclid=IwAR3PAof5SkklITSooB8_YkXqwNaqwTdWTT5C5gImDrwOHBPxJWhlvQS_bEnx5Y).

<sup>24</sup> Robert Samuels, *After Reparations*, WASHINGTON POST (Apr. 3, 2020), <https://www.washingtonpost.com/stanford.idm.oclc.org/graphics/2020/national/rosewood-reparations/>.

<sup>25</sup> Christine Hauser, *Tulsa Police Investigate Officer After Remarks About Race and Shootings*, N.Y. TIMES (June 12, 2020), <https://www.nytimes.com/2020/06/12/us/tulsa-police-major-comments.html>.

<sup>26</sup> City of Tulsa, *Annual Budget and Capital Plan: Fiscal Year 2017-2018*, <https://www.cityoftulsa.org/media/4455/annualbudgetfy2017-2018.pdf> (accessed July 14, 2019).

<sup>27</sup> *Summary of Key Data Points in Tulsa*, HUMAN RIGHTS WATCH (Sept. 12, 2019), <https://www.hrw.org/news/2019/09/12/summary-key-data-points-tulsa>

frequently as white people.<sup>28</sup> The 2019 Tulsa Equality Indicators Report, linked to by this submission, continues to show unacceptable rates of inequality in Tulsa, with particularly low scores in areas of justice and law enforcement.<sup>29</sup> When reading that report, it is important to look to the underlying data rather than simply accepting its conclusions. For example, it was not until community members parsed the data on police violence that the stunning reality of racial discrimination in policing was clear.<sup>30</sup> The report itself compares incidence of police use of force between Black and Hispanic populations, relegating the comparison to white Tulsans to the fine print.<sup>31</sup>

In June of this year, just days after the murder of George Floyd in Minneapolis, Tulsa police used excessive force to arrest two Black teenagers for allegedly jaywalking in a neighborhood with few sidewalks. The police forced one of the boys to the ground, leading him to protest that he too could not breathe.<sup>32</sup> These examples underscore the continued lack of accountability for racial injustice in law enforcement.

### **The Need for Transitional Justice**

Systemic racism in policing cannot be addressed without confronting the historical impunity for law enforcement violence against Black people. Reforms of modern policing practices can prevent future human rights violations, but the harms of police violence will not be healed without transitional justice. The experience of Black Tulsans is proof that impunity for racial violence has long-standing consequences. Although the centennial of the Tulsa Race Massacre is only six months away—May 21, 2021—that tragic event continues to affect the Black community in Tulsa because all levels of government have continued to withhold what is necessary for healing: recognition, restitution, and reparations.

In Tulsa, we are pursuing individual and collective reparations for two principal reasons: These mechanisms are well-suited to the circumstances facing Black Tulsans, and they offer a way to bring international standards and global attention to Tulsa, even though our local institutions have failed. It is important to focus on the *transitional* aspect of transitional justice here. Tulsa is still in the midst of a near-century-long transition away from racial violence, and Black Tulsans need a broad scope of reparations. Beyond just payments, reparations should include efforts at

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<sup>28</sup> *Id.*

<sup>29</sup> CUNY INSTITUTE FOR STATE AND LOCAL GOVERNANCE, COMMUNITY SERVICE COUNCIL & CITY OF TULSA, TULSA EQUALITY INDICATORS: ANNUAL REPORT 16–17 (2019), [https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report\\_2019.pdf](https://www.tulsaei.org/wp-content/uploads/2019/07/Tulsa-Equality-Indicators-Report_2019.pdf) (last accessed Dec. 2, 2020).

<sup>30</sup> Kevin Canfield, *After Long Wait, Action on Equality Indicators Reports Could Come Soon*, TULSA WORLD (July 20, 2020), [https://tulsaworld.com/news/local/after-long-wait-action-on-equality-indicators-reports-could-come-soon/article\\_954805a9-1c46-5b54-a939-be35c5de53c6.html](https://tulsaworld.com/news/local/after-long-wait-action-on-equality-indicators-reports-could-come-soon/article_954805a9-1c46-5b54-a939-be35c5de53c6.html).

<sup>31</sup> CUNY INSTITUTE FOR STATE AND LOCAL GOVERNANCE, *supra* note 29 at 33.

<sup>32</sup> Aya Elamroussi, *Jaywalking Arrest of 2 Black Teens in Oklahoma Under Review*, AP (June 10, 2020), <https://apnews.com/article/343acad7175ba4be4e300e56d099f8ca>.

restoring the Black community in Tulsa to its economic status, returning expropriated land in Greenwood to predominantly Black ownership, ending discrimination in the criminal justice system, granting social services to Black Tulsans including improved schools, and other reforms.

Reparations, in particular, have clear applicability to survivors of the 1921 Race Massacre and today's community of Black Tulsans. Among the many ways different countries and international organizations have conceptualized reparations, three particularly relevant examples emerge.

1. A large portion of Black Tulsans and a significant number of Black Americans outside of Tulsa can trace their ancestry to survivors and victims of the 1921 Race Massacre. There is no reason that they should be denied reparations for the violence inflicted on their families. The harm is not historical; it is present. The long legacy of impunity should not prevent reparations in line with Human Rights Committee decisions granting reparations to family members of victims of violations of the International Covenant on Civil and Political Rights (ICCPR), which has the force of law in the United States. The need for reparations is as clear in Tulsa as it was in Suriname in 1985, when the Human Rights Committee called for reparations to the families of victims of unlawful killings in *John Khremaadi Baboeram et al. v. Suriname*.<sup>33</sup>
2. Collective reparations for the expropriation of property would begin to close the persistent economic gap between Black and white Tulsans. In similar instances, the Inter-American Court of Human Rights has granted reparations to indigenous communities whose land was stolen and used to enrich other groups.<sup>34</sup> Greenwood and Black Wall Street were just as vital to the Black community in Tulsa as the expropriated lands of indigenous peoples in Nicaragua and Suriname were to their communities.
3. Reparations can form the bedrock of a transitional justice process, one that provides closure to years of armed conflict and repression. Countries like South Africa<sup>35</sup> and Morocco,<sup>36</sup> when faced with similar problems of ongoing state violence and lasting impunity, have engaged in processes focused on transparency, recognition of victims, and economic reparations. Despite their imperfections, those processes represented important steps towards healing and equality. Tulsa is the perfect place for the United States to begin following in these footsteps.

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<sup>33</sup> See U.N. Human Rights Comm., *John Khremaadi Baboeram et al. v. Suriname*, U.N. Doc. A/40/40 at 187 (1985).

<sup>34</sup> See Diana Contreras-Garduño and Sebastiaan Rombouts, *Collective Reparations for Indigenous Communities Before the Inter-American Court of Human Rights*, 27 UTRECHT J. OF INT'L AND EUROPEAN L. 10-11 (2010).

<sup>35</sup> Erin Daly, *Reparations in South Africa: A Cautionary Tale*, 33 U. MEMPHIS L.R. 368-407 (2003).

<sup>36</sup> Int'l Center for Transitional Justice, *Morocco Still a Model for Justice in MENA, but Questions Remain* (Feb. 8, 2016), <https://www.ictj.org/news/morocco-still-model-justice-mena-questions-remain>.



The Greenwood community has learned the importance of transitional justice at a high cost. In addition to important reforms, I sincerely hope that OHCHR will remember the experience of Black Tulsans in its report and advocate for recognition, restitution, or reparations to heal the wounds caused by human rights violations of law enforcement against Africans and people of African descent. Thank you for prioritizing the rights of Black Americans to the equal protection of the laws in your work and to bringing a human rights framework to these issues.

Regards,



Rev. Dr. Robert Turner

Historic Vernon Chapel A.M.E. Church

Tulsa, OK

Identified Public Reports:

1. [Human Rights Watch's \(HRW\) 2020 report \*The Case for Reparations in Tulsa, Oklahoma\*](#)
2. [HRW's 2019 report titled "\*Get on the Ground!\*": Policing, Poverty, and Racial Inequality in Tulsa, Oklahoma](#)
3. [Tulsa Equality Indicators Report for 2019](#)<sup>37</sup>

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<sup>37</sup> The Tulsa Equality Indicators Report for 2020 will be made available in December 2020 at <https://www.tulsaei.org/>.