

FILED

FEB 24 2003

Phil Lombardi, Clerk
U.S. DISTRICT COURT

UNITED STATES FEDERAL DISTRICT COURT
FOR THE NORTHERN DISTRICT OF OKLAHOMA

03C V 133 E (C)

CASE NO.

COMPLAINT FOR:

- (1) DEPRIVATION OF LIFE AND LIBERTY AND THE PRIVILEGES AND IMMUNITIES OF UNITED STATES CITIZENSHIP IN VIOLATION OF THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION;
- (2) DEPRIVATION OF PROPERTY AND PRIVILEGES AND IMMUNITIES OF UNITED STATES CITIZENSHIP IN VIOLATION OF THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION;
- (3) VIOLATION OF THE EQUAL PROTECTION CLAUSE AND THE PRIVILEGES AND IMMUNITIES CLAUSE OF THE FOURTEENTH AMENDMENT OF THE U.S. CONSTITUTION;
- (4) VIOLATION OF U.S.C. §1981;
- (5) VIOLATION OF U.S.C. §1983;

JOHN MELVIN ALEXANDER; JUANITA
DELORES BURNETT ARNOLD; J.B.
BATES; ESSIE LEE JOHNSON BECK;
THELMA DUNN BEDELL; JAMES D.
BELL; PHINES BELL; FRANCES
BLACKWELL; JUANITA WILLIAMS
BLAKELY; JUANITA SMITH BOOKER;
KINNEY BOOKER; DOROTHY BOOKER
BOULDING; JEANETTE McNEAL
BRADSHAW; TERESA EARLEE BRIDGES
DYSART; JOHNNIE L. GRAYSON BROWN;
CLARENCE BRUNER; LULA BELLE LACY
BULLOCK; JOE R. BURNS; ROSA L.
GREEN BYNUM; MURIEL MIGNON LILLY
CABELL; BEATRICE CAMPBELL-
WEBSTER; JAMES DALE CARTER;
ROSELLA CARTER; SAMUEL CASSIUS;
NAOMI HOOKER CHAMBERLAIN; MILDRED
MITCHELL CHRISTOPHER; MILDRED
LUCAS CLARK; OTIS GRANVILLE
CLARK; SANDY CLARK; BLANCHE
CHATMAN COLE; WORDIE "PEACHES"
MILLER COOPER; CARRIE HUMPHREY
CUDJOE; LAVERNE COOKSEY DAVIS;
HATTIE LILLY DUNN; JAMES DURANT;
LUCILLE B. BUCHANAN FIGURES;
ARCHIE JACKSON FRANKLIN; JIMMIE
LILLY FRANKLIN; JOAN HILL
GAMBREL; ERNESTINE GIBBS; HAROLD
GIBBS; MARGARET TILLEY GIBBS;
THERESSA CORNELLA McNEAL GILLIAM;
LEON GRAYS, SR.; HAZEL FRANKLIN
HACKETT; MILDRED JOHNSON HALL;
NELL HAMILTON HAMPTON; LEROY LEON
HATCHER; MADELEINE HAYNES; JAMES
FRISSELL "BOTTLEHEAD" HILL; JOYCE
WALKER HILL; DR. OLIVIA J.
HOOKER; SAMUEL L. HOOKER, JR.;

1 WILHELMINA GUESS HOWELL; CHARLES)
 HUGHES; MYRTLE WELLS HURD; VERA)
 2 INGRAM; EUNICE CLOMAN JACKSON;)
 GENEVIEVE ELIZABETH TILLMAN)
 3 JACKSON; WILLIE BELL WHITE)
 JACKSON; DR. HOBART JARRETT;)
 4 ARTIE LACY JOHNSON; WILMA)
 MITCHELL JOHNSON; EDWARD EARVEN)
 5 JONES; HAZEL DOLORES SMITH JONES;)
 THELMA THURMAN KNIGHT; LEANNA)
 6 JOHNSON LEWIS; KATIE MAE JOHNSON)
 LIVINGSTON; ALICE HIGGS LOLLIS;)
 7 ROANNA HENRY McCLURE; ELDORIS MAE)
 ECTOR McCONDICHIE; CAROL)
 8 SMITHERMAN MARTIN; MARY TACOMA)
 MAUPIN; WILLIE MUSGROVE MEANS;)
 9 ISHMAEL S. MORAN; RUTH DEAN NASH;)
 SIMEON L. NEAL; ALMADGE J.)
 10 NEWKIRK; MYRTLE NAPIER OLIVER;)
 JUANITA MAXINE SCOTT PARRY; IDA)
 11 BURNS PATTERSON; FREDDIE SCOTT)
 PAYNE; JOAN ALEXANDER POWDRILL;)
 12 ALICE PRESLEY; DeLOIS VADEN)
 RAMSEY; CORA HAWKINS RENFRO;)
 13 SIMON R. RICHARDSON; JEWEL)
 SMITHERMAN ROGERS; JULIUS WARREN)
 14 SCOTT; ORA LEE SCOTT; TULETA S.)
 DUNCAN SHAWNEE; VENEICE DUNN)
 15 SIMMS; HAL "CORNBREAD" SINGER;)
 BEULAH LOREE KEENAN SMITH; GOLDEN)
 16 WILLIAMS SMITH; LOLA SNEED)
 SNOWDEN; JAMES L. STEWARD;)
 17 DOROTHY WILSON STRICKLAND; SARAH)
 TATUM; LOIS WHITE TAYLOR; WILLIE)
 18 MAE SHELBURN THOMPSON; EFFIE LEE)
 SPEARS TODD; MELVIN C. TODD;)
 19 KATHRYN MAE TAYLOR TOLIN; BESSIE)
 MAE AUSTIN VESTER; QUEEN ESTHER)
 20 LOVE WALKER; SAMUEL WALKER; TROY)
 SIDNEY WALKER; OSCAR DOUGLAS)
 21 WASHINGTON; MARY LEON BROWN)
 WATSON; ALLEN MATTHEW WHITE;)
 22 CECIL WHITE; MARIE WHITEHORN;)
 MILDRED EVITT WILBURN; BERTRAM C.)
 23 WILLIAMS; LOUIE BARTON WILLIAMS;)
 WESS YOUNG; JOHN HOPE FRANKLIN;)
 24 CAESAR LATIMER; WILLIAM)
 SHAKESPEARE LATIMER; JAYPHEE)
 25 CLINTON; MAJOR SYLVESTER LATIMER;)

(6) VIOLATION OF U.S.C.
 §1985;
 (7) PROMISSORY ESTOPPEL.

Filing Date: _____
 Trial Date: _____

26

1 ELIHU LATIMER; FRED LATIMER, SR.;)
 PATELLA LATIMER; PEGUES; THELLA)
 2 LATIMER; ELLA LATIMER BRADFORD;)
 MAGGIE LATIMER; ALICE LATIMER;)
 3 CHRISTOPHER ANITA WILLIAMS;)
 ARTHUR JEFFERSON; JESSIE THOMAS;)
 4 JUANITA ALEXANDER HOPKINS;)
 JOHNETTA ADAMS; RHONDA ANDERSON;)
 5 ROBERT EARL ANDERSON; DIANE)
 ANDERSON STEELE; MARIETTA)
 6 ANDERSON WAITERS; RUTH ELLA)
 AUTRY, JAMES AUTRY, OTIS AUTRY;)
 7 ELMER AUTRY; AILEEN JOANNE AUSTIN)
 COBURN; LEONA AUSTIN MCCAIN;)
 8 RAMONA DINKINS WIMBERLY; ERLINE)
 CROSSLIN, BILLIE WAYNE RUCKER; J.)
 9 C. RUCKER; ROBERT C. RUCKER;)
 ROSELLA TURNER; JOHN BAILEY; ROY)
 10 DAVIS; A. BANKS; BERNICE BANKS)
 DAVIS; AUDREY BANKS PARSON; MARY)
 11 BELL ARRINGTON; R.G. BELL;)
 CATHRYN BELL SNODDY; LISA)
 12 PRESLEY; JILL ELIZABETH PRESLEY;)
 JEAN WILLIAMS MCGILL; MATTIE)
 13 DAVIS OLIVER; ALLENE KNIGHTEN)
 RAYFORD; JAMES BERNARD KNIGHTEN;)
 14 BERNICE LAWLER; LORRAINE)
 MCFARLAND; THELMA KINLAW GERMANY;)
 15 DOROTHY JONES; NANCY MARTIN,)
 CATHERINE MARTIN, JAMES PRESTON)
 16 MARTIN; FELTON MARTIN; LESLIE)
 BEARD; MARY PRISCILLA PARKER)
 17 HARRISON; GENIEIVE JACKSON;)
 DIANA LYNN SHELTON; SHIRLEY)
 18 SHELTON; OSCAR BOYD; ALICE BOYD)
 VAUGHN; HELEN SIPUEL HUGGINS;)
 19 LAVADA LOUISE PARKER OSBOURNE;)
 HOWARD LEROYD DENNIE; LAWRENCE)
 20 HERMAN DENNIE; ALFREDA O. DENNIE)
 FRANKLIN; NORMAN JEAN DENNIE)
 21 LESHIE; FRANK EUGENE RODGERS; IDA)
 LOUISE DENNIE WILLIS; EDNA EARLY)
 22 WORKS; ORA SMITH; LEONA JERRY)
 BRUNER ANTHONY; CLIFTON JOE)
 23 TIPTON; NAOMI LAWSON BROWN;)
 EDWARD LAWSON; BERNARD CARTER;)
 24 EDDIE HUE CARTER; ROBERT CARTER,)
 JR.; SAMUEL LEE CARTER; BOBBIE)
 25 JEAN CARTER TENNYSON; JOHNNY)

26

1 CANNON LAWSON; NATHANIEL)
 CANNON; HENR ANNON; MILDRED)
 2 CANNON WALLACE; SARAH CURVAY)
 MAYSHAW; LINDA EDMONDSON GRAVES;)
 3 NAOMI NASH WILLIAMS WIMBERLY;)
 PATRICIA WILLIAMS; PEGGY ANN)
 4 MCRUFFIN MITCHELL; AUDELE BEEKS)
 MCLEOD; FELICIA MCLEOD JOHNSON;)
 5 WALLACE MCLEOD, JR.; DELLA)
 SHELTON JACKSON; JOHNNY SHELTON;)
 6 FAYE MAY; BETTY ANDERSON; MAIME)
 SHELTON; BILLY SHELTON; MARGARET)
 7 LEE; EUNA VANN SMITH, MARIETTA)
 ANDERSON WAITERS; IRMA THOMAS)
 8 ANTHONY; LEONTYNE THOMAS HARRELL;)
 JERRY FIELDS THOMAS; OVEID LACY)
 9 III; ROBERT LACY; NICHOLAS A.)
 BANKS; BERNICE E. DAVIS; AUDREY)
 10 PARSONS; LEROY KIRK, JR.; MAE)
 ETTA REYNOLDS; JOHN W. PATTON; JO)
 11 ANN EWING; WANDA EWING POPE;)
 ROBERT EWING; BILL EWING; BOBBYE)
 12 LOUISE GILBERT; FANNIE WILLIAMS;)
 SIMON BERRY JR.; MARGUERITE)
 13 BAGBY; MAXINE JESSIE VADEN; JOYCE)
 RAMSEY; RAYMOND BEARD, SR.; FLOYD)
 14 PRICE; CAROLYN PRICE JOHNSON;)
 MILDRED LOUISE DAVIS SCOTT; FRED)
 15 DAVIS; SANDRA JEAN DAVIS)
 LANDRUM; ROSIE LEE JACKSON; FRED)
 16 SMITH; FANNIE SMITH VERNER; ERMA)
 SMITH THOMPSON; DELORES)
 17 HARRINGTON; SHIRLEY RIDLEY; PAT)
 MOORE; SHIRLEY TYUS; SELMA)
 18 LOCKARD; FRANK LOCKARD; JESSIE)
 MAE LOCKARD; EDWARD LOCKWARD;)
 19 ERNEST LOCKARD; OSCAR LOCKARD;)
 CORTEZ LOCKARD; EMMA LOCKARD)
 20 HORN; PATRICIA WILLIAMS; LORENZO)
 CARLOS VANN; CARRIE M. MCDONALD)
 21 STROTHER; MARY A. WILSON; JIMMIE)
 WICKAM; FRANK WALKER, SR.; MARIA)
 22 WALKER; RILEY WALKER, JR. DANIEL)
 WALKER BITSON, JR.; KEITH)
 23 HAMILTON; CARL WALKER, JR.,)
 EDWINA WALKER CARR; MARCIA)
 24 WALKER POCKET; WILLIAM D. WALKER;)
 OLENE WALKER WASHINGTON; JEANETTE)
 25 HAWKINS; OLANDER HAWKINS; STARLA)
 26

1 HAWKINS; CHARLOTTE WILLIAMS;)
NAOMI LAWSON; JOHN; EDWARD)
2 LAWSON; MARCUS LAWSON; MARGARET)
ANN LAWSON; PALMER LAWSON, JR.;)
3 WILBUR FOSTER; RONALD MOORE;)
BERNARD CARTER; EDDIE CARTER;)
4 ROBERT CARTER, JR.; SAMUEL LEE)
CARTER; BOBBIE JEAN CARTER)
5 TENNYSON; DOROTHY WILLIAMS)
BRANLETT; GRANT WILLIAMS; TERRY)
6 NASH; AUDREY TAYLOR; BYRON)
TAYLOR; GERALDINE PERRYMAN-TEASE;)
7 MILDRED MARIAN HAMEL MILLER;)
LADAWNA MILLER; PATSY ROBINSON;)
8 MARGARET THARPE; MAXINE JACKSON)
LACY; RAYMOND PRESLEY,)
9)
Plaintiffs,)
10)
v.)
11)
THE GOVERNOR OF THE STATE OF)
12 OKLAHOMA (in his official)
capacity); THE CITY OF TULSA; THE)
13 CHIEF OF POLICE OF THE CITY OF)
TULSA (in his official capacity);)
14 THE CITY OF TULSA POLICE)
DEPARTMENT; and DOES 1 through)
15 100, inclusive,)
16 Defendants.)
17)
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COMPLAINT

(Jury Trial Requested)

Plaintiffs JOHN MELVIN ALEXANDER et al. allege as follows:

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1 of Tulsa, Oklahoma ("Tulsa"), who, acting under color of state
2 law, participated as members of a white mob in a race riot that
3 was designed to, and did in fact, brutalize and terrorize the
4 African American residents of the Greenwood District. Almost
5 every building in the Greenwood District was razed to the
6 ground.

7 3. One group of Plaintiffs was forcibly removed from
8 their homes by the white mob that included Defendants' lawful
9 agents. That group includes: THELMA DUNN BEDELL, who escaped
10 while shots were fired at her home; FRANCES BLACKWELL; NELL
11 HAMILTON HAMPTON; ISHMAEL S. MORAN; JUANITA MAXINE SCOTT PARRY;
12 and JAMES L. STEWARD, who was forced out of his home after the
13 rioting white mob set fire to the building while he and his
14 family were still inside.

15 4. Other Plaintiffs escaped from the mob only to be
16 captured later by the members of Defendant the City of Tulsa's
17 police force or by the National Guard. They include Plaintiffs
18 JOHN ALEXANDER, JUANITA SMITH BOOKER, KINNEY BOOKER, DOROTHY
19 BOOKER BOULDING, JOHNNIE L. GRAYSON BROWN, JOE R. BURNS, ROSA L.
20 GREEN BYNUM, BEATRICE CAMPBELL-WEBSTER, NAOMI HOOKER
21 CHAMBERLAIN, MILDRED MITCHELL CHRISTOPHER, CARRIE HUMPHREY
22 CUDJOE, LUCILLE BUCHANAN FIGURES, ERNESTINE GIBBS, HAROLD GIBBS,
23 HAZEL FRANKLIN HACKETT, MADELEINE HAYNES, JOYCE WALKER HILL,
24 VERA INGRAM, EUNICE CLOMAN JACKSON, DR. HOBART JARRETT, HAZEL
25 DELORES SMITH JONES, MARY TACOMA MAUPIN, ALICE HIGGS LOLLIS,

1 ISHMAEL S. MORAN, SIMON R. RICHARDSON, BEULAH LOREE KEENAN
2 SMITH, GOLDEN WILLIAMS SMITH, DOROTHY WILSON STRICKLAND, LOIS
3 WHITE TAYLOR, BERTRAM C. WILLIAMS, LOUIE BARTON WILLIAMS, and
4 WESS YOUNG.

5 5. Other Plaintiffs were forced to flee town
6 completely. They include J.B. BATES, LULA BELLE LACY BULLOCK,
7 JAMES DALE CARTER, who was carried forty miles by his mother,
8 ROSELLA CARTER, OTIS GRANVILLE CLARK, LEROY LEON HATCHER, who
9 walked nine miles to escape the rioting white mob, JOYCE WALKER
10 HILL, EDWARD EARVEN JONES, ELDORIS MAE ECTOR McCONDICHIE, SIMEON
11 L. NEAL, RUTH DEAN NASH, JUANITA MAXINE SCOTT PARRY, IDA BURNS
12 PATTERSO, ALICE PRESLEY, ORA LEE SCOTT, TULETA S. DUNCAN
13 SHAWNEE, BEULAH LOREE KEENAN SMITH, LOLA SNEED SNOWDEN, LOIS
14 WHITE TAYLOR, WILLIE MAE SHELBURN THOMPSON, QUEEN ESTHER LOVE
15 WALKER, who was shot at as she attempted to flee, and MARIE
16 WHITEHORN

17 6. These and other Plaintiffs had their property
18 looted and burned by the white mob acting under color of state
19 law. They include J.B. BATES, ESSIE LEE JOHNSON BECK, J.D.
20 BELL, PHINES BELL, JUANITA SMITH BOOKER, KINNEY BOOKER, DOROTHY
21 BOOKER BOULDING, JEANETTE McNEAL BRADSHAW, TERESA EARLEE BRIDGES
22 DYSART, JOHNNIE L. GRAYSON BROWN, ROSA L. GREEN BYNUM, MURIEL
23 MIGNON LILLY CABELL, MILDRED MITCHELL CHRISTOPHER, MILDRED LUCAS
24 CLARK, OTIS GRANVILLE CLARK, BLANCHE CHATMAN COLE, CARRIE
25 HUMPHREY CUDJOE, HATTIE LILLY DUNN, JAMES DURANT, LUCILLE

1 BUCHANAN FIGURES, ARCHIE JACKSON FRANKLIN, JIMMIE LILLY
2 FRANKLIN, ERNESTINE GIBBS, HAROLD GIBBS, MARGARET TILLEY GIBBS,
3 THERESSA CORNELIA McNEAL GILLIAM, LEON GRAYS, SR., MILDRED
4 JOHNSON HALL HAZEL FRANKLIN HACKETT, LEROY LEON HATCHER,
5 MADELEINE HAYNES, JAMES FRISSELL "BOTTLEHEAD" HILL, JOYCE WALKER
6 HILL, DR. OLIVIA J. HOOKER, SAMUEL L. HOOKER, JR., WILHELMINA
7 GUESS HOWELL, VERA INGRAM, GENEVIEVE ELIZABETH TILLMAN JACKSON,
8 DR. HOBART JARRETT, WILMA MITCHELL JOHNSON, HAZEL DELORES SMITH
9 JONES, THELMA KNIGHT, CAROL SMITHERMAN MARTIN, MARY TACOMA
10 MAUPIN, RUTH DEAN NASH, SIMEON L. NEAL, ALMADGE J. NEWKIRK,
11 JUANITA MAXINE SCOTT PARRY, IDA BURNS PATTERSON, DELOIS VADEN
12 RAMSEY, JEWEL SMITHERMAN ROGERS, JULIUS WARREN SCOTT, VENEICE
13 DUNN SIMS, BEULAH LOREE KEENAN SMITH, GOLDEN WILLIAMS SMITH,
14 LOLA SNEED SNOWDEN, JAMES L. STEWARD, DOROTHY WILSON STRICKLAND,
15 LOIS WHITE TAYLOR, WILLIE MAE SHELURN THOMPSON, EFFIE LEE
16 SPEARS TODD, MELVIN C. TODD, QUEEN ESTHER LOVE WALKER, SAMUEL
17 WALKER, TROY SIDNEY WALKER, and MARY LEON BROWN WATSON.

18 7. Other Plaintiffs were physically injured. They
19 include CARRIE HUMPHREY CUDJOE, JAMES DURANT, and BEULAH LOREE
20 KEENAN SMITH.

21 8. Other Plaintiffs had family members who were
22 killed by the rioting white mob. They include J.B. BATES, LEROY
23 LEON HATCHER, and CECIL WHITE.

24 9. The rioting white mob so terrorized many of the
25 Plaintiffs' families, including those of LEON GRAYS, SR.,
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1 ELDORIS MAE ECTOR McCONDICHIE, ALICE PRESLEY, and WILLIE MAE
2 SHELURN THOMPSON that they left Tulsa of the State of Oklahoma
3 for good in the wake of the riot.

4 10. Many of the Plaintiffs' families were denied the
5 opportunity to rebuild their homes and businesses in Greenwood
6 subsequent to the riot.

7 11. THE GOVERNOR OF THE STATE OF OKLAHOMA and the
8 TULSA CHIEF OF POLICE are sued in their official capacity
9 because their predecessors in office acted in a manner
10 consistent with the powers accruing to that office. In civil
11 rights lawsuits, it is not the historical person, but the state
12 or municipal institution that is held responsible for the acts
13 of government officials. Because both the individuals occupying
14 the position of Governor of the State of Oklahoma and Chief of
15 Police of Tulsa in 1921 used the official power of their
16 positions to propagate the Riot and empower the rioting white
17 mob, the incumbents of these positions remain responsible for
18 the official acts carried out in the name of the Governor of the
19 State of Oklahoma and the Chief of Police. THE CITY OF TULSA and
20 THE CITY OF TULSA POLICE DEPARTMENT are also sued.

21

22 B. Background of the Suit

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24 12. Before the Civil War, Oklahoma was a territory in
25 which African Americans were held in slavery. After the war,

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1 African Americans and others migrated to "the territory,"
2 seeking economic opportunity. Oklahoma was, in the words of
3 Ralph Ellison, "a magnet for many individuals who had found
4 disappointment in the older area of the country, white as well
5 as black, but for Negroes it has a traditional association with
6 freedom which had entered their folklore. . . Thus the uneducated
7 and educated alike saw Oklahoma as a land of opportunity."¹

8 13. Yet after Oklahoma gained statehood in 1907,
9 African Americans faced increasing discrimination at the hands
10 of white settlers. The legislature's first bill called for
11 segregation on railroads. The state enacted restrictions on
12 African Americans' voting rights and service on juries, and
13 starting in the 1910's in Oklahoma, but continuing throughout
14 the Jim Crow era,² municipalities promoted gross differentials in
15 funding of white and separate, segregated schools. Twice during
16 the decade of the 1910's the United States Supreme Court struck
17 down Oklahoma legislation that discriminated on the basis of
18 race: the first was the railroad segregation statute; the second

19
20 1. Going to the Territory, in The Collected Essays of Ralph
Ellison 601 (John Callahan ed. 1995).

21 2. Jim Crow is the name historians give to the period between
22 the end of Reconstruction and the New Deal, which was
23 characterized by segregation laws. See C. Vann Woodward, The
24 Strange Career of Jim Crow (3rd ed. 2002); Kenneth W. Mack,
25 "Law, Society, Identity, and the Making of the Jim Crow South,"
24 L. & Soc. Inquiry 377-409 (1999). Those laws typically
provided for segregation on railroads, in schools, in housing,
and in public accommodations. Reconstructing the Dreamland: The
Tulsa Riot of 1921 79 (2002).

1 was the grandfather clause in voting registration. Defendants,
2 the STATE OF OKLAHOMA and the CITY OF TULSA, however, persisted
3 in their racial discrimination.³

4 14. African Americans who violated the etiquette of
5 segregation were subjected to violence at the hands of the white
6 citizenry, on many occasions through the action or inaction of
7 the state. Sometimes that violence took the form of riots, such
8 as an incident in Norman, Oklahoma, a small town that is now the
9 home of the University of Oklahoma. In 1898, a white man
10 employed an African American construction worker. A portion of
11 the white community, including Norman city officials, incensed
12 by the interracial workplace, severely injured the white man for
13 employing an African American.⁴

14 15. Also common at the time were what was known as
15 "nigger drives," to remove African Americans from cities. After
16 African Americans were driven out, cities established informal
17 "sun down" laws. They placed notices in prominent places
18 notifying African Americans that they could not remain in the
19 city after dark. For example, in the early 1920s the signs in
20 Norman, Oklahoma, read, "Nigger, don't let the sun go down on

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23 3. In a series of cases, the Oklahoma Supreme Court also upheld
24 differential funding of African American and white public
schools, and cities throughout the state passed zoning
ordinances requiring residential segregation.

25 4. See Wallace v. City of Norman, 60 P. 108 (Okla. Terr. 1900).

1 you in this town."⁵ At other times, the racial violence led to
2 death by lynching: the Oklahoma State Legislature found that of
3 the 24 individuals lynched in Oklahoma between 1911 and 1921,
4 before 1921, 23 were African Americans.⁶ Months before the Riot,
5 in August 1920, it was clear that the rule of law had broken
6 down in the state. Two men were lynched on the same weekend in
7 Oklahoma: one — the only white man lynched during that period —
8 was taken from the Tulsa jail and lynched in front of a crowd
9 that included Tulsa police officers;⁷ and the next day an African
10 American man was taken from the Oklahoma City jail and lynched.⁸

11 16. The African American community grew increasingly
12 concerned over lynchings. The August 1920 lynchings drove home
13 a particularly important lesson: that no one was safe in the
14 Tulsa jail and that the African American community was likely to
15 be a continuing target of white mob violence. The Tulsa Star,
16 Greenwood's leading newspaper, editorialized about the Oklahoma
17 City lynching that "While the boy was in jail . . . there was
18 danger of mob violence."⁹ The possibility of another lynching
19 was very real to African Americans in the Greenwood District of
20

21 5. Norman Mob After Singie Smith Jazz, Oklahoma City Black
22 Dispatch (February 9, 1922).

23 6. See 74 Okl. St. Ann. §8000.1.1 (West 2002).

24 7. Governor Invokes Law Versus Mobbists, Tulsa Star (September
25 4, 1920).

26 8. Claude Chandler Hung By Mob, Posse Follows Too Late: Body
Found West of City, Oklahoma City Black Dispatch (September 3,
1920).

1 Tulsa. The Tulsa Race Riot, which began on May 31, 1921, and
2 lasted through the night into June 1, 1921, was precipitated by
3 the rumor of just such a lynching.

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5 C. Basis of the Suit
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7 17. On the evening of May 31, 1921, a white mob, many
8 of whom were drunk, gathered in front of the Tulsa jail, and was
9 rumored to be preparing to lynch an African American man accused
10 of attempting to assault a white woman. Some African American
11 men, including World War I veterans, came to the jail to prevent
12 the lynching. During a mêlée between some of the white and
13 African American men, shots were fired and "all hell broke
14 loose."¹⁰ The Mayor of the CITY OF TULSA, acting under color of
15 law, called out local units of the State National Guard and,
16 with the assistance of the police chief of Tulsa, deputized and
17 armed some of the white citizens of Tulsa, many of whom were
18 part of the drunken mob. The deputies were instructed to "go
19 get . . . a nigger."¹¹ The deputized white citizens, acting
20 under color of law, terrorized and brutalized the African
21 American residents of Greenwood.

22
23 9. The Facts Remain the Same, Tulsa Star (September 18, 1920).

24 10. Alfred Brophy, Assessing State and City Culpability: The
25 Riot and the Law, published with Commission Report, 153, 156
26 (2001).

11. Dr. Scott Ellsworth, The Tulsa Race Riot, published with the

1 18. In the early hours of the morning of June 1,
2 1921, local units of the National Guard, along with the white
3 Chief of Police and his deputies, removed the African American
4 residents of Greenwood from their homes. The deputies and the
5 white mob then looted the empty buildings before burning
6 Greenwood to the ground. Defendants harnessed the latest
7 techniques of modern warfare to put down what they considered a
8 "Negro Uprising." Defendants or their agents deployed a machine
9 gun to fire on African American residents of Greenwood.
10 Defendants or their agents also used airplanes for
11 reconnaissance of Greenwood. In addition, some eyewitnesses
12 recall that one or more of the airplanes engaged in the attack
13 by shooting at the African American Greenwood residents and
14 dropping one or more incendiary devices. These acts resulted in
15 the mass destruction of property located in Greenwood, as well
16 as the unlawful killing of hundreds of African American
17 residents of Greenwood. In the course of the Riot, Defendants
18 unlawfully detained African American residents of Greenwood,
19 forcing many of them to work in captivity.

20 19. The Riot, which occurred only sixty years after
21 the end of de jure slavery in 1865, was part of a much larger
22 culture of discrimination against African Americans, which was
23 itself a legacy of slavery. Many of the Riot victims themselves
24
25 Commission Report, 37, 64 (2001).
26

1 had been slaves. Many whites explained the Riot as the result
2 of increasingly aggressive attitudes of African Americans, who
3 sought "social equality" following their service in World War I.
4 One African American property-owner was characterized as a man
5 who had "come back from the war in France with exaggerated ideas
6 about equality and thinking he can whip the world."¹² The role
7 of the Riot in reducing the status of Tulsa's African American
8 community was told by one white newspaper: "The white citizens
9 of Tulsa have forgotten the bitter hatred and their desperation
10 that caused them to meet the negroes in battle to the death
11 Tuesday."¹³ Only once African Americans had been reduced to the
12 status of "helpless refugees," could they be seen as objects of
13 charity.¹⁴

14 20. The claim that the Riot was an attempt to restore
15 segregation and hark back to the antebellum past was supported
16 by statements within the African American press as well. The
17 Oklahoma City Black Dispatch observed after the Riot, that:

18 "The old order changeth; no longer is the Negro
19 satisfied or clothed with the placidity of spirit of
20 his slave parents. We black men in Oklahoma know that
21 the legislature of this state tried to deprive us of
22 our franchise when it enacted the 1916 Registration
23 act; we know that such a statute is in conflict with
24 the Constitution of the United States and its

23 12. Negro Tells How Others Mobilized, Tulsa Tribune (June 4,
24 1921).

24 13. To Rebuild Homes for Negro Owners and Probe Blame, Muskogee
25 Phoenix (June 3, 1921)

25 14. Id.

26

1 interpretation by the Supreme Court. NO LONGER WILL WE
2 BE SATISFIED WITH THE PIG TAILS OF CITIZENSHIP; we
3 want to eat farther up on the body of the hog."¹⁵

4 21. Other whites linked the Riot to demands for equal
5 treatment by people only recently removed from slavery. One
6 white man wrote in the aftermath of the Riot, that "White
7 adventurers trapped him in his native jungle only a few years
8 ago; shipped him in chains to serve the white man in other
9 lands; a stroke of political fortune makes him free and 'equal'
10 to the white man in our country, and he has the consummate gall
11 and impudence to want a place at the council board of the white
12 man's civilization." A white Tulsa paper editorialized after
13 the Riot about the consequences of slavery. "If those who
14 invaded the shores of the Dark Continent for the purpose of
15 securing slaves for the southern plantations of America could
16 have foreseen the consequence of their acts it is certain the
17 black man would never have been introduced to the United
18 States."

19 22. In 1997, in an effort to end the "conspiracy of
20 silence"¹⁶ and to promote a discussion involving the whole
21 community of the CITY OF TULSA and the STATE OF OKLAHOMA,
22 Defendant the STATE OF OKLAHOMA itself commissioned a study to
23 determine liability for the Riot and make recommendations for
24 restitution for the Riot's victims. The resulting body, The

25 15 An Inflammatory Appeal, Black Dispatch (October 15, 1920).

1 Oklahoma Commission to Study the Tulsa Race Riot of 1921
2 ("Commission"), ascertained the causes and consequences of the
3 Riot. The Oklahoma State Legislature accepted those findings,¹⁷
4 which linked the Riot to racial violence throughout Oklahoma.
5 The Commission's findings determined that:

6 "The root causes of the Tulsa Race Riot reside deep in
7 the history of race relations in Oklahoma and Tulsa
8 which included the enactment of Jim Crow laws, acts of
9 racial violence (not the least of which was the 23
10 lynchings of African-Americans versus only one white
11 from 1911) against African-Americans in Oklahoma, and
12 other actions that had the effect of 'putting African-
Americans in Oklahoma in their place' and to prove to
African-Americans that the forces supportive of
segregation possessed the power to 'push down, push
out, and push under' African-Americans in Oklahoma."¹⁸

13 23. In the aftermath of the Riot, Defendants the
14 STATE OF OKLAHOMA and the CITY OF TULSA impeded the Plaintiffs'
15 attempts to rebuild their lives. Defendant the CITY OF TULSA
16 acted quickly to apply zoning restrictions to Greenwood that
17 rendered reconstruction of the destroyed dwellings prohibitively
18 expensive. When the zoning regulations were declared unlawful,
19 Defendant the CITY OF TULSA refused to provide economic
20 compensation or to help the victims, many of whom remained
21 housed in tents through the fall and into the winter of 1921.

24 16. Id. at §8000.1.5.

25 17. See 74 Okl. St. Ann. §8000.1.

26 18. Id. at §8000.1.1.

1 24. Defendants the STATE OF OKLAHOMA and the CITY OF
2 TULSA acted quickly to suppress talk of the Riot and the
3 survivors' attempts to seek legal redress. Efforts to seek
4 relief from the court system were unsuccessful and futile.

5 25. Because of the Klan's influence throughout the
6 legal system, African American victims of the Riot quickly
7 learned that they could not count on the legal system for
8 restitution.¹⁹ The Klan, already a feature of Oklahoma life
9 before the Riot, became entrenched at all levels of the Oklahoma
10 establishment in the months and years following the Riot.
11 Despite their best efforts to use the court system, African
12 Americans were subjected to discriminatory decision making
13 rather than justice. For example, a grand jury called to
14 determine the causes of the Riot issued indictments against a
15 large number of African Americans. Fearing this many of them
16 fled town. Defendant the CITY OF TULSA also refused to pay any
17 restitution to the African American survivors of the Riot: the
18 only restitution paid was to white gun-shop owners whose
19 business had been looted. While some African Americans filed
20 lawsuits at the time, over 100 of them were dismissed before
21 even receiving a hearing in Defendant the STATE OF OKLAHOMA's
22 courts.²⁰ Of the two cases that were heard by the Court, one,

23 _____
24 19. The Klan's influence also made legislative efforts to obtain
restitution impossible.

25 20. Alfred Brophy, Reconstructing the Dreamland 95-97 (2002).

1 filed by Mabel Allen, was dismissed before the jury
2 deliberated,²¹ and the Oklahoma Supreme Court dismissed the other
3 on appeal.²²

4 26. Legal redress was also stymied by Oklahoma common
5 law doctrine which unconstitutionally limited municipal
6 liability.²³ Precedent applied from Oklahoma's Territorial Court
7 made it difficult, if not impossible, for Riot victims to
8 sustain a claim against the CITY OF TULSA or its actors absent
9 ratification by the City Council.²⁴

10 27. The legislature of Defendant the STATE OF
11 OKLAHOMA adopted many of the Commission's findings by statute in
12 2001 and made specific reference to the "'conspiracy of silence'
13 surrounding the events in Tulsa of May 31-June 1, 1921, and
14 their aftermath."²⁵ According to the legislature:

15 "Perhaps the most repugnant fact regarding the history
16 of the 1921 Tulsa Race Riot is that it was virtually
17 forgotten, with the notable exception of those who
18 witnessed it on both sides, for seventy-five (75)
19 years. This 'conspiracy of silence' served the
20 dominant interests of the state during that period
21 which found the riot a 'public relations nightmare'

21. Allen v. Tulsa, Tulsa County District Court, Case No.
20 16,013.

22. See Redfearn v. American Central Insurance Company, 243 P.
21 929 (Okla. 1926). See Alfred Brophy, Assessing State and City
22 Culpability: The Riot and the Law, published with Commission
Report, 153, 157-58 (2001).

23. See Alfred L. Brophy, The Tulsa Race Riot in the Oklahoma
23 Supreme Court, 54 Okla. L. Rev. 67 (2001).

24. See Wallace v. City of Norman, 60 Pacific 108 (Okla. Terr.
24 1900).

25. Id. at §8000.1.5. See also Brent Staples, Unearthing a
25 Riot, NY Times, December 19, 1999, Section 6 at 64.

1 that was best to be forgotten, something to be swept
2 well beneath history's carpet' for a community which
3 attempted to attract new businesses and settlers."²⁶

4 28. In 1997, in an effort to end the "conspiracy of
5 silence"²⁷ and to promote a discussion involving the whole
6 community of the CITY OF TULSA and the STATE OF OKLAHOMA,
7 Defendant the STATE OF OKLAHOMA created the Oklahoma Commission
8 to Study the Tulsa Race Riot of 1921. The Commission was
9 designed to make whole a fractured community still suffering
10 from the legacy of silence surrounding the Riots. Specifically,
11 the Commission was charged with:

12 "undertak[ing] a study to develop a historical record
13 of the 1921 Tulsa Race Riot including the
14 identification of [any] person[] who:

15 1. was an actual resident of the Greenwood area
16 or community of the City of Tulsa on or about May 31,
17 1921, or June 1, 1921; or

18 2. sustained an identifiable loss to their
19 person, personal relations, real property, personal
20 property or other loss as a result of . . . the 1921
21 Tulsa Race Riot."²⁸

22 29. The Commission was empowered to "produce a
23 written report of its findings and recommendations [for the
24 Oklahoma legislature] . . . contain[ing] specific
25 recommendations regarding whether or not reparations can or
26 should be made and the appropriate methods to achieve the
recommendations made in the final report," by February 28, 2001.

26 26. Id. at §8000.1.4 (emphasis added).

27. Id. at §8000.1.5.

30. The Commission found that, to this day, Oklahoma, and in particular, Tulsa, remains racially divided. The legislature, in adopting the Commission's findings recognized that reconciliation begins through knowledge of the past, followed by acceptance of the past, and finally atonement through compensation to the survivors and their heirs. The Commission drew upon testimony of a large number of Oklahomans, both African American and white, in compiling its record. The Defendants refuse to make restitution for their actions prior to and during the Riot, and in perpetuating a "conspiracy of silence"²⁹ after the Riot until the creation of the Commission itself.

31. In the wake of its findings, "The Commission . . . turned the responsibility for how the STATE OF OKLAHOMA will respond to the historical record to the 48th Oklahoma Legislature." 74 Okl. St. Ann. §8000.1.5 (West 2002). The legislature found that:

"The documentation assembled by The 1921 Tulsa Race Riot Commission provides strong evidence that some local municipal and county officials failed to take actions to calm or contain the situation once violence erupted and, in some cases, became participants in the subsequent violence which took place on May 31 and June 1, 1921, and even deputized and armed many whites who were part of a mob that killed, looted, and burned down the Greenwood area."³⁰

28. Id. at §8201.

29. Id. at §8000.1.5.

1 "The staggering cost of the Tulsa Race Riot included
2 the death of an estimated 100 to persons, the
3 vast majority of whom were African-Americans, the
4 destruction of 1,256 homes, virtually every school,
5 church and business, and a library and hospital in the
6 Greenwood area, and the loss of personal property
7 caused by rampant looting by white rioters. The Tulsa
8 Race Riot Commission estimates that the property
9 costs in the Greenwood district was approximately \$2
10 million in 1921 dollars or \$16,752,600 in 1999
11 dollars. Nevertheless, there were no convictions for
12 any of the violent acts against African-Americans or
13 any insurance payments to African-American property
14 owners who lost their homes or personal property as a
15 result of the Tulsa Race Riot. Moreover, local
16 officials attempted to block the rebuilding of the
17 Greenwood community by amending the Tulsa building
18 code to require the use of fire-proof material in
19 rebuilding the area thereby making the costs
20 prohibitively expensive."³¹

12 "The 48th Oklahoma Legislature in enacting the 1921
13 Tulsa Race Riot Reconciliation Act of 2001 concurs
14 with the conclusion of The 1921 Tulsa Race Riot
15 Commission [T]his response recognizes that
16 there were moral responsibilities at the time of the
17 riot which were ignored and has been ignored ever
18 since rather than confront the realities of an
19 Oklahoma history of race relations that allowed one
20 race to 'put down' another race. Therefore, it is the
21 intention of the Oklahoma Legislature in enacting the
22 1921 Tulsa Race Riot Reconciliation Act of 2001 to
23 freely acknowledge its moral responsibility on behalf
24 of the state of Oklahoma and its citizens that no race
25 of citizens in Oklahoma has the right or power to
26 subordinate another race today or ever again."³²

32. The STATE OF OKLAHOMA and the CITY OF TULSA
empowered, encouraged, and furthered the illegal brutalization
of African Americans by whites during and after the race Riot.

30. Id. at §8000.1.2 (emphasis added).

31. Id. at §8000.1.3 (emphasis added).

1 From Defendants' acceptance of their moral responsibility to
2 atone for these acts logically flows the obligation that they
3 accept their legal responsibility as well.

4 33. The conspiracy of silence fell particularly hard
5 on the African American citizens of Oklahoma. African Americans
6 were not allowed to speak of their experiences,³³ and were not
7 believed when they did. Many of the survivors and their
8 families suffered a deep psychological scarring, as one of the
9 purposes of the Riot and its aftermath — which lingers to this
10 day throughout the African American community in Tulsa — was to
11 diminish the sense of security of Greenwood African Americans,
12 to place them in a subservient condition, and to enforce a
13 racial caste system that privileged whites and disadvantaged and
14 demeaned African Americans. Many of the Riot survivors are
15 still hesitant to talk about the events surrounding the Riot and
16 its aftermath. Many of them still believe that the state and
17 municipal government will punish them for discussing openly what
18 happened during the Riot.

19 34. According to the Report of the Oklahoma
20 Commission to Study the Tulsa Race Riot of 1921 ("Commission
21

22 32. Id.

23 33. See John Hope Franklin and Scott Ellsworth, History Knows No
24 Fences: An Overview, published with the Commission Report 21,
25 26-28 (2001) (discussing suppression of discussion of Riot).
26 See also Brent Staples, Unearthing a Riot, NY Times, December
19, 1999, Section 6 at 64 (same).

1 Report"), "The 1921 riot is, at once, a representative
2 historical example and a unique historical event. It has many
3 parallels in the pattern of past events, but it has no equal for
4 its violence and its completeness."³⁴

5 35. The Commission was formed with the intent of
6 determining the causes of and liabilities for the 1921 Tulsa
7 Riot. The survivors were led to expect that the STATE OF
8 OKLAHOMA and CITY OF TULSA would abide by the findings of the
9 Commission. Instead, it appears that despite the concurrence in
10 and acknowledgment of the facts establishing their complicity in
11 the Riot and its consequences, the state and municipality have
12 decided to wait for the survivors, all of them in excess of
13 eighty-years-old, to die off so that the problem will "silently"
14 pass away.

15 36. Defendants continue to fail to abide by the
16 recommendation of the Commission, and refuse to provide redress
17 to the Plaintiffs who are direct victims of a Riot that killed
18 between 100-300 African American men, women, and children, and
19 resulted in the looting and destruction of their property.

20 37. Plaintiffs also seek to establish an educational
21 fund³⁵ for the Greenwood District of Tulsa to ensure that the
22 _____

23 34. Commission Report at 19.

24 35. The Tulsa Reconciliation Education and Scholarship Program
25 ("TRESP") established by 70 Okl. St. Ann. §2621 (West 2002) has
26 never been properly funded. At the very least, plaintiffs seek
to require the State to adequately fund the TRESP, as required

1 STATE OF OKLAHOMA and the CITY OF TULSA can come together as a
2 community united, with the common goal of promoting racial
3 reconciliation and understanding. For too long, Defendants have
4 silenced Plaintiffs and discounted their testimony. In so
5 doing, Defendants have only perpetuated the divisions that were
6 solidified during and after the Riot. Education about the past
7 must be coupled with restitution or reparations to enable the
8 community to move forward, together, in the common purpose of
9 bettering the lives of all the citizens of Oklahoma.

10

11

THE PARTIES

12

A. Plaintiffs

13

i Survivors

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38. Plaintiffs file this action against THE GOVERNOR
OF THE STATE OF OKLAHOMA (in his official capacity); THE CITY OF
TULSA; THE CHIEF OF POLICE OF THE CITY OF TULSA; and THE CITY OF
TULSA POLICE DEPARTMENT.

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39. Plaintiff JOHN MELVIN ALEXANDER is an individual
residing in the State of Oklahoma. Plaintiff was born on
December 22, 1919. At the time of the Riot, Plaintiff lived at
1621 North Norfolk Street in the Greenwood District of Tulsa.
During the Riot, the rioting white mob took Plaintiff's father
to the Ball Park holding camp; Plaintiff was unlawfully detained

by 70 Okl. St. Ann. §§2620-2627.

1 against his will in Brady Theater detention center. Plaintiff
2 went on to fight for the United States in WWII & Korea. As
3 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
4 §8205 (West 2000)), the Executive Director of the Oklahoma
5 Historical Society has certified that Plaintiff is a Riot
6 Survivor.

7 40. Plaintiff JUANITA DELORES BURNETT ARNOLD is an
8 individual residing in the State of Oklahoma. Plaintiff was
9 born on July 27, 1909. At the time of the Riot, Plaintiff lived
10 at 1000 N. Lansing Street in the Greenwood District of Tulsa.
11 During the Riot, Plaintiff fled from the rioting white mob with
12 her mother and father. As required by the Oklahoma State
13 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
14 Executive Director of the Oklahoma Historical Society has
15 certified that Plaintiff is a Riot Survivor.

16 41. Plaintiff J.B. BATES is an individual residing in
17 the State of Oklahoma. Plaintiff was born on June 13, 1916. At
18 the time of the Riot, Plaintiff lived between Greenwood and
19 Marshall Street in the Greenwood District of Tulsa. Plaintiff's
20 grandfather died during the Riot. Plaintiff's property was
21 destroyed during the Riot, although the rioting white mob did not
22 burn down his family home. Plaintiff and his parents had to
23 leave their house and stay with relatives in Tulsa and were
24 unable to return to their home until at least two week after the
25 Riot. As required by the Oklahoma State Legislature (74 Okl.

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1 Stat. Ann. §8205 (West 2000)), the Executive Director of the
2 Oklahoma Historical Society has certified that Plaintiff is a
3 Riot Survivor.

4 42. Plaintiff ESSIE LEE JOHNSON BECK is an individual
5 residing in the State of Oklahoma. Plaintiff was born on April
6 29, 1915. Plaintiffs property was destroyed during the Riot. At
7 the time of the Riot, Plaintiff lived in the Greenwood District
8 of Tulsa. As required by the Oklahoma State Legislature (74 Okl.
9 Stat. Ann. §8205 (West 2000)), the Executive Director of the
10 Oklahoma Historical Society has certified that Plaintiff is a
11 Riot Survivor.

12 43. Plaintiff THELMA DUNN BEDELL is an individual
13 residing in the State of Missouri. Plaintiff was born on May 18,
14 1919. At the time of the Riot, Plaintiff lived at 1027 N.
15 Kenosha Street in the Greenwood District of Tulsa. Plaintiff is
16 sister to plaintiff VERNICE DUNN SIMMS. Plaintiffs escaped from
17 their home while bullets fired by the rioting white mob hit the
18 roof and side of the house during the Riot. She and her sister
19 helped out in the segregated hospital tending to African
20 American men, women, and children shot during the Riot. As
21 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
22 §8205 (West 2000)), the Executive Director of the Oklahoma
23 Historical Society has certified that Plaintiff is a Riot
24 Survivor.

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1 44. Plaintiff JAMES D. BELL is an individual residing
2 in the State of Oklahoma. Plaintiff was born on June 12, 1921.
3 At the time of the Riot, Plaintiff lived at 418 N. Cincinnati
4 Avenue in the Greenwood District of Tulsa. Plaintiff was born
5 prematurely as a result of the shock his mother suffered during
6 the Riot. Plaintiff's property was destroyed during the Riot,
7 including his family home. As required by the Oklahoma State
8 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
9 Executive Director of the Oklahoma Historical Society has
10 certified that Plaintiff is a Riot Survivor.

11 45. Plaintiff PHINES BELL is an individual residing in
12 the State of Washington. Plaintiff was born on August 16, 1918.
13 At the time of the Riot, Plaintiff lived in the Greenwood
14 District of Tulsa. Plaintiff suffered property damage during the
15 Riot. As required by the Oklahoma State Legislature (74 Okl.
16 Stat. Ann. §8205 (West 2000)), the Executive Director of the
17 Oklahoma Historical Society has certified that Plaintiff is a
18 Riot Survivor.

19 46. Plaintiff FRANCES BLACKWELL is an individual
20 residing in the State of Oklahoma. Plaintiff was born on
21 February 12, 1913. At the time of the Riot, Plaintiff lived in
22 the Greenwood District of Tulsa. The rioting white mob forced
23 Plaintiff to flee her home for several days to avoid capture by
24 Defendant's agents. As required by the Oklahoma State
25 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive
26

1 Director of the Oklahoma Historical Society has certified that
2 Plaintiff is a Riot Survivor.

3 47. Plaintiff JUANITA WILLIAMS BLAKELY is an
4 individual residing in the State of Oklahoma. Plaintiff was
5 born on August 5, 1914. Plaintiff resided at Frankfort Place,
6 one block from Greenwood. Plaintiff's family property was
7 destroyed during the Riot. Plaintiff hid under the bed when
8 members of the rioting white mob entered her house and sent fire
9 to the curtains. Plaintiffs and family fled from the burning
10 house and saw airplanes over Greenwood and Archer dropping
11 incendiary devices. Plaintiff's mother found a relative to take
12 Plaintiff to Gerard, Kansas while Plaintiff's mother remained in
13 Tulsa and was detained at the Fairgrounds. Plaintiff's home was
14 destroyed in the fire. Plaintiff's uncle, Osborne Monroe, owned
15 a skating rink and a boarding house, both of which were
16 destroyed in the Riot.

17 48. Plaintiff JUANITA SMITH BOOKER is an individual
18 residing in the State of Oklahoma. Plaintiff was born on January
19 15, 1914. At the time of the Riot, Plaintiff lived on Archer
20 Street in the Greenwood District of Tulsa. Plaintiff's property
21 was destroyed during the Riot. The rioting white mob burned her
22 family home to the ground and destroyed it completely with the
23 exception of an upright victrola, which was the only item of
24 personal property the family managed to salvage after the Riot.
25 Plaintiff and her family were temporarily housed at the former
26

1 Booker T. Washington School after the Riot. As required by the
2 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
3 2000)), the Executive Director of the Oklahoma Historical Society
4 has certified that Plaintiff is a Riot Survivor.

5 49. Plaintiff KINNEY BOOKER is an individual residing
6 in the State of Oklahoma. Plaintiff was born on March 21, 1913.
7 At the time of the Riot, Plaintiff lived at 320 North Hartford
8 Street in the Greenwood District of Tulsa. During the Riot, he
9 hid in an attic while the white rioters set fire to his home.
10 Plaintiff's family property was destroyed during the Riot.
11 Plaintiff was forced to flee her house by the rioting white mob.
12 He was lucky to escape before it burned to the ground. Plaintiff
13 was unlawfully detained against his will at the Convention Hall
14 detention center. As required by the Oklahoma State Legislature
15 (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director
16 of the Oklahoma Historical Society has certified that Plaintiff
17 is a Riot Survivor.

18 50. Plaintiff DOROTHY BOOKER BOULDING is an individual
19 residing in the State of Missouri. Plaintiff was born on December
20 2, 1915. At the time of the Riot, Plaintiff lived in the
21 Greenwood District of Tulsa. Plaintiff is the sister of
22 Plaintiff KINNEY BOOKER. Plaintiff suffered property damage
23 during the Riot. Plaintiff was forced to flee her house by the
24 rioting white mob. Plaintiff was unlawfully detained against her
25 will in one of the detention centers. As required by the
26

1 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
2 2000)), the Executive Director of the Oklahoma Historical Society
3 has certified that Plaintiff is a Riot Survivor.

4 51. Plaintiff JEANETTE McNEAL BRADSHAW is an
5 individual residing in the State of Illinois. Plaintiff was born
6 on June 28, 1918. At the time of the Riot, Plaintiff lived at
7 911 Fairview Street in the Greenwood District of Tulsa.
8 Plaintiff is the sister of Plaintiff Plaintiff THERESSA CORNELLA
9 McNEAL GILLIAM. Plaintiffs' mother was a prominent business
10 woman, owning a boarding house and working as a dressmaker with a
11 large inventory of fabric and dresses. Plaintiff's family
12 property was destroyed during the Riot. The business and its
13 stock was completely lost during the Riot. As required by the
14 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
15 2000)), the Executive Director of the Oklahoma Historical Society
16 has certified that Plaintiff is a Riot Survivor.

17 52. Plaintiff TERESA EARLEE BRIDGES DYSART is an
18 individual residing in the State of Texas. Plaintiff was born on
19 December 11, 1917. At the time of the Riot, Plaintiff lived at
20 514 N. Hartford in the Greenwood District of Tulsa. Plaintiff's
21 family property was destroyed during the Riot, including two
22 pianos and an organ, some hand-made Indian jewelry, and a Rooflee
23 model car. As required by the Oklahoma State Legislature (74
24 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director of the
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26

1 Oklahoma Historical Society has certified that Plaintiff is a
2 Riot Survivor.

3 53. Plaintiff JOHNNIE L. GRAYSON BROWN is an
4 individual residing in the State of Oklahoma. Plaintiff was born
5 on July 5, 1914. At the time of the Riot, Plaintiff lived at 31
6 N. Kenosha Street in the Greenwood District of Tulsa with her
7 family. Plaintiff's family property was destroyed during the
8 Riot. The rioting white mob ransacked her home. Plaintiff,
9 along with her aunt, Corene Grayson Edwards, was unlawfully
10 detained against her will at the Fairground detention center for
11 several days. As required by the Oklahoma State Legislature (74
12 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director of
13 the Oklahoma Historical Society has certified that Plaintiff is
14 a Riot Survivor.

15 54. Plaintiff CLARENCE BRUNER is an individual
16 residing in the State of Oklahoma. Plaintiff was born on July
17 28, 1904. At the time of the Riot, Plaintiff lived in the
18 Greenwood District of Tulsa. As required by the Oklahoma State
19 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive
20 Director of the Oklahoma Historical Society has certified that
21 Plaintiff is a Riot Survivor.

22 55. Plaintiff LULA BELLE LACY BULLOCK is an
23 individual residing in the State of Missouri. Plaintiff was born
24 on April 22, 1920. At the time of the Riot, Plaintiff lived in
25 Bullette Street in the Greenwood District of Tulsa. Plaintiff
26

1 is sister of Plaintiff ARTIE LACY JOHNSON. Plaintiffs fled the
2 Rioting white mob. Plaintiffs' property was destroyed during
3 the Riot: their family store and home were burned down. As
4 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
5 §8205 (West 2000)), the Executive Director of the Oklahoma
6 Historical Society has certified that Plaintiff is a Riot
7 Survivor.

8 56. Plaintiff JOE R. BURNS is an individual residing
9 in the State of Oklahoma. Plaintiff was born on February 5,
10 1915. At the time of the Riot, Plaintiff lived at 517 Latimer
11 Court in the Greenwood District of Tulsa. Plaintiff fled with
12 his father and mother to Mohawk Park, hiding in the shrubs and
13 trees in the creek. His family was later captured and placed in
14 detention centers. Plaintiff was unlawfully detained against
15 his will in the Convention Center detention center. As required
16 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205
17 (West 2000)), the Executive Director of the Oklahoma Historical
18 Society has certified that Plaintiff is a Riot Survivor.

19 57. Plaintiff ROSA L. GREEN BYNUM is an individual
20 residing in the state of Maryland. Plaintiff was born on August
21 14, 1920. At the time of the Riot, Plaintiff lived on N.
22 Detroit Street. Plaintiff's family property was destroyed.
23 Plaintiff and her family were held in detention with other
24 families for several days. Plaintiff was unlawfully detained
25 against her will in one of the detention centers.

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1 58. Plaintiff MURIEL MIGNON LILLY CABELL is an
2 individual residing in the State of California. Plaintiff was
3 born on December 29, 1913. At the time of the Riot, Plaintiff
4 lived on Elgin Street in the Greenwood District of Tulsa.
5 Plaintiff is the sister of Plaintiffs HATTIE LILLY DUNN and
6 JIMMIE LILLY FRANKLIN. Plaintiffs' parents owned a home with
7 four bedrooms, one bathroom, a living room, a dining room, and an
8 office used by their father, who was a photographer. Their
9 father had a photographic studio, a dark room, and several large
10 cameras, and also owned a Ford Sedan. Plaintiffs' uncle, Fred
11 Wells, was a prominent Tulsa physician and surgeon, who owned a
12 Ford Coupe and medical equipment. Plaintiff's family property
13 was destroyed during the Riot. Their home was the third house
14 burned during the Riot. The rioting white mob destroyed their
15 home and all their family's possessions. As required by the
16 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
17 2000)), the Executive Director of the Oklahoma Historical Society
18 has certified that Plaintiff is a Riot Survivor.

19 59. Plaintiff BEATRICE CAMPBELL-WEBSTER is an
20 individual residing in the State of California. Plaintiff was
21 born on March 5, 1914. At the time of the Riot, Plaintiff lived
22 with her family at 906 N. Latimer Street in the Greenwood
23 District of Tulsa. Plaintiff's family property was destroyed
24 during the Riot. Plaintiff lost her home and furnishings,
25 including a piano and a victrola, leather couches and chairs, and
26

1 miscellaneous other possessions. Plaintiff fled her home to
2 avoid the rioting white mob. Plaintiff was unlawfully detained
3 against her will in one of the detention centers. Plaintiff
4 escaped with her family to Alsuma, a nearby town, where the
5 National Guard captured them. Her father was sent to the Ball
6 Park detention center, and the rest of the family was sent to the
7 Convention Hall detention center. As required by the Oklahoma
8 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
9 Executive Director of the Oklahoma Historical Society has
10 certified that Plaintiff is a Riot Survivor.

11 60. Plaintiff JAMES DALE CARTER is an individual
12 residing in the State of Missouri. Plaintiff was born on
13 November 26, 1920. Plaintiff is the son of Plaintiff ROSELLA
14 CARTER. Plaintiff resided on Greenwood at the time of the Riot.
15 Plaintiff's property was destroyed during the course of the Riot
16 and Plaintiff's fled from the rioting white mob, his mother
17 carrying him forty miles on her back to safety.

18 61. Plaintiff ROSELLA CARTER is an individual
19 residing in the State of Missouri. Plaintiff was born on June
20 20, 1900. Plaintiff is the mother of Plaintiff JAMES DALE
21 CARTER. Plaintiff resided on Greenwood at the time of the Riot.
22 Plaintiff's property was destroyed during the course of the Riot
23 and Plaintiff's fled from the rioting white mob, carrying her
24 son on her back forty miles to escape to safety.

1 62. Plaintiff SAMUEL CASSIUS is an individual
2 residing in the State of New Jersey. Plaintiff was born on May
3 2, 1921. At the time of the Riot, Plaintiff lived in the
4 Greenwood District of Tulsa. As required by the Oklahoma State
5 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
6 Executive Director of the Oklahoma Historical Society has
7 certified that Plaintiff is a Riot Survivor.

8 63. Plaintiff NAOMI HOOKER CHAMBERLAIN is an
9 individual residing in the State of New York. Plaintiff was born
10 on January 26, 1918. At the time of the Riot, Plaintiff lived
11 on Independence Street in a house valued at \$10,000 in 1921
12 dollars. Her parents also owned a large store at 123 N.
13 Greenwood Avenue in the Greenwood District of Tulsa. Plaintiff
14 is the sister of Plaintiffs DR. OLIVIA J. HOOKER and SAMUEL L.
15 HOOKER. Plaintiff's family property was destroyed during the
16 Riot. White rioters damaged Plaintiffs' home during the Riot,
17 and the rioting white mob completely destroyed Plaintiffs'
18 parents' business, which was described as "a total loss." The
19 estimated value of the goods destroyed amounted to \$100,000 in
20 1921 dollars. Plaintiffs' father filed a lawsuit against the
21 insurance company for the value of the destroyed property, but
22 the case was thrown out in 1926 or 1927. As required by the
23 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
24 2000)), the Executive Director of the Oklahoma Historical
25 Society has certified that Plaintiff is a Riot Survivor.

1 64. Plaintiff MILDRED MITCHELL CHRISTOPHER is an
2 individual residing in the State of Florida. Plaintiff was born
3 on October 19, 1913. At the time of the Riot, Plaintiff lived
4 on King Street in the Greenwood District of Tulsa. Plaintiff's
5 property was destroyed during the Riot: her home was burned and
6 property was taken from the house including a piano and silver
7 flatware. Plaintiff fled to Broken Arrow, Oklahoma with
8 plaintiff's mother and sisters. Plaintiff stayed in an
9 abandoned stone house in Broken Arrow with other families
10 fleeing the Riot for several days until the National Guard and
11 the Red Cross located them. Plaintiff and her family were
12 unlawfully detained against their will in the Fairground
13 detention center until her mother's employer "claimed" them. As
14 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
15 §8205 (West 2000)), the Executive Director of the Oklahoma
16 Historical Society has certified that Plaintiff is a Riot
17 Survivor.

18 65. Plaintiff MILDRED LUCAS CLARK is an individual
19 residing in the State of Arkansas. Plaintiff was born October
20 15, 1921, four months after the Riot. Plaintiff's mother
21 resided at 1012 N. Elgin at the time of the Riot. Plaintiff's
22 mother fled to the home of white neighbors to escape the Riot
23 and later was held at the Convention Center for several days.
24 Plaintiff's family property was destroyed during the Riot.
25 Plaintiff's mother died shortly after the birth of Plaintiff due
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1 to the poor living conditions for Greenwood residents after the
2 Riot.

3 66. Plaintiff OTIS GRANVILLE CLARK is an individual
4 residing in the State of Oklahoma. Plaintiff was born on
5 February 13, 1903. At the time of the Riot, Plaintiff lived at
6 805 E. Archer Street in the Greenwood District of Tulsa.
7 During the Riot, Plaintiff was caught in the middle of a gun
8 battle. He was sprayed with blood when his friend was shot
9 through the hand by a white sniper, and both of them fled for
10 their lives. His cousin's café was burned to the ground. His
11 stepfather disappeared during the Riot and was never seen again.
12 Plaintiff's family property was destroyed during the Riot. His
13 home was burned to the ground. As required by the Oklahoma
14 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
15 Executive Director of the Oklahoma Historical Society has
16 certified that Plaintiff is a Riot Survivor.

17 67. Plaintiff SANDY CLARK is an individual residing
18 in the State of Oklahoma. Plaintiff was born in 1907. At the
19 time of the Riot, Plaintiff lived in the Greenwood District of
20 Tulsa. As required by the Oklahoma State Legislature (74 Okl.
21 Stat. Ann. §8205 (West 2000)), the Executive Director of the
22 Oklahoma Historical Society has certified that Plaintiff is a
23 Riot Survivor.

24 68. Plaintiff BLANCHE CHATMAN COLE is an individual
25 residing in the State of Oklahoma. Plaintiff was born on April

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1 21, 1904. At the time of the Riot, Plaintiff lived in a rented
2 home in the Greenwood District of Tulsa. During the Riot, her
3 family fled to Clarksville, Oklahoma. Plaintiff's family property
4 was destroyed during the Riot. All the family's belongings were
5 burned or stolen during the Riot. As required by the Oklahoma
6 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
7 Executive Director of the Oklahoma Historical Society has
8 certified that Plaintiff is a Riot Survivor.

9 69. Plaintiff WORDIE "PEACHES" MILLER COOPER is an
10 individual residing in the State of Oklahoma. Plaintiff was
11 born on February 4, 1911. At the time of the Riot, Plaintiff
12 lived in the Greenwood District of Tulsa. As required by the
13 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
14 2000)), the Executive Director of the Oklahoma Historical
15 Society has certified that Plaintiff is a Riot Survivor.

16 70. Plaintiff CARRIE HUMPHREY CUDJOE is an individual
17 residing in the State of Oklahoma. Plaintiff was born on April
18 6, 1921. At the time of the Riot, Plaintiff lived at 1211 N.
19 Lansing Street in the Greenwood District of Tulsa. Plaintiff's
20 parents owned their own home, a horse, a cow, some chickens, and
21 miscellaneous furnishings and other items. Plaintiff's family
22 property was destroyed during the Riot. Their home was burned
23 down during the Riot, and all of Plaintiff's family's
24 possessions were destroyed or stolen. Plaintiff and her family
25 were unlawfully detained against their will in one of the
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1 detention centers. Plaintiff, her mother and brother fled to
2 Mohawk Park on foot where the National Guard picked them up and
3 took them to a church at Seventh Avenue and Boston Street.
4 State and municipal officials held Plaintiff, her mother, and
5 her brother at the Church for three days. Plaintiff and suffered
6 physical injury during the Riot. Both of them injured their
7 feet while fleeing the white mob. As required by the Oklahoma
8 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
9 Executive Director of the Oklahoma Historical Society has
10 certified that Plaintiff is a Riot Survivor.

11 71. Plaintiff LAVERNE COOKSEY DAVIS is an individual
12 residing in the State of Oklahoma. Plaintiff was born on May 24,
13 1904. At the time of the Riot, Plaintiff lived in South Tulsa,
14 which was a white district of Tulsa. Plaintiff witnessed the
15 burning of Greenwood. As required by the Oklahoma State
16 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
17 Executive Director of the Oklahoma Historical Society has
18 certified that Plaintiff is a Riot Survivor.

19 72. Plaintiff HATTIE LILLY DUNN is an individual
20 residing in the State of California. Plaintiff was born on March
21 16, 1918. At the time of the Riot, Plaintiff lived on Elgin
22 Street in the Greenwood District of Tulsa. Plaintiff is the
23 sister of Plaintiffs MURIEL MIGNON LILLY CABELL and JIMMIE LILLY
24 FRANKLIN. Plaintiff's family property was destroyed during the
25 Riot. The rioting white mob destroyed their home. As required
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1 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
2 2000)), the Executive Director of the Oklahoma Historical Society
3 has certified that Plaintiff is a Riot Survivor.

4 73. Plaintiff JAMES DURANT is an individual residing
5 in the State of Michigan. Plaintiff was born on January 27,
6 1915. At the time of the Riot, Plaintiff lived in the Greenwood
7 District of Tulsa. Plaintiff suffered property damage during the
8 Riot: his family home was burned to the ground. Plaintiff was
9 forced to flee his house by the rioting white mob. Plaintiff
10 was physically injured during the Riot. Members of the rioting
11 white mob attacked him. Plaintiff fled from the rioting white
12 mob and hid in a bus with other Greenwood residents. As
13 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
14 §8205 (West 2000)), the Executive Director of the Oklahoma
15 Historical Society has certified that Plaintiff is a Riot
16 Survivor.

17 74. Plaintiff LUCILLE B. BUCHANAN FIGURES is an
18 individual residing in the State of Oklahoma. Plaintiff was
19 born on January 9, 1909. At the time of the Riot, Plaintiff
20 lived at 521 N. Elgin Street in the Greenwood District of Tulsa.
21 Plaintiff's family property was destroyed during the Riot.
22 Plaintiff's property was destroyed during the Riot, including
23 her family home. Plaintiff and her mother were unlawfully
24 detained against their will in one of the detention centers
25 until her mother's white employer "claimed" them from the
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1 detention center. As required by the Oklahoma State Legislature
2 (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director
3 of the Oklahoma Historical Society has certified that Plaintiff
4 is a Riot Survivor.

5 75. Plaintiff ARCHIE JACKSON FRANKLIN is an
6 individual residing in the State of California. Plaintiff was
7 born on November 11, 1915. At the time of the Riot, Plaintiff
8 lived in the Greenwood District of Tulsa. Plaintiff is the
9 brother of Plaintiff HAZEL FRANKLIN HACKETT. Plaintiff's
10 property was destroyed during the Riot, including her family
11 home. As required by the Oklahoma State Legislature (74 Okl.
12 Stat. Ann. §8205 (West 2000)), the Executive Director of the
13 Oklahoma Historical Society has certified that Plaintiff is a
14 Riot Survivor.

15 76. Plaintiff JIMMIE LILLY FRANKLIN is an individual
16 residing in the State of California. Plaintiff was born on June
17 12, 1916. At the time of the Riot, Plaintiff lived on Elgin
18 Street in the Greenwood District of Tulsa. Plaintiff is the
19 sister of Plaintiffs MURIEL MIGNON LILLY CABELL and HATTIE LILLY
20 DUNN. Plaintiff's family property was destroyed during the Riot.
21 The rioting white mob destroyed their home. As required by the
22 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
23 2000)), the Executive Director of the Oklahoma Historical Society
24 has certified that Plaintiff is a Riot Survivor.

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1 77. Plaintiff JOAN HILL GAMBREL is an individual
2 residing in the State of New Jersey. At the time of the Riot,
3 Plaintiff lived in the Greenwood District of Tulsa. As required
4 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
5 2000)), the Executive Director of the Oklahoma Historical Society
6 has certified that Plaintiff is a Riot Survivor.

7 78. Plaintiff ERNESTINE GIBBS is an individual
8 residing in the State of Oklahoma. Plaintiff was born on
9 December 15, 1902. At the time of the Riot, Plaintiff lived on
10 King Street, in the middle of a train track area. Plaintiff
11 fled from her home to avoid the rioting white mob. Her home was
12 destroyed, along with all the family's possessions, during the
13 Riot. Plaintiff was unlawfully detained against her will at the
14 Fairground detention center. Plaintiff's family property was
15 destroyed during the Riot. Plaintiff's brother, along with many
16 other African American men, only evaded the rioting white mob by
17 jumping into a river and swimming to freedom. As required by
18 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
19 2000)), the Executive Director of the Oklahoma Historical
20 Society has certified that Plaintiff is a Riot Survivor.

21 79. Plaintiff HAROLD GIBBS is an individual residing
22 in the State of Oklahoma. Plaintiff was born on January 16,
23 1920. At the time of the Riot, Plaintiff lived on Jasper Street
24 in the Greenwood District of Tulsa. Plaintiff's family property
25 was destroyed during the Riot, including his father's wagon and
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1 two horses. Plaintiff and his mother were unlawfully detained
2 against their will in a detention center. As required by the
3 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
4 2000)), the Executive Director of the Oklahoma Historical
5 Society has certified that Plaintiff is a Riot Survivor.

6 80. Plaintiff MARGARET TILLEY GIBBS is an individual
7 residing in the State of Oklahoma. Plaintiff was born on January
8 16, 1920. At the time of the Riot, Plaintiff lived near Jasper
9 Street in the Greenwood District of Tulsa. Plaintiff's family
10 property was destroyed during the Riot.

11 81. Plaintiff THERESSA CORNELLA MCNEAL GILLIAM is an
12 individual residing in the State of Illinois. Plaintiff was born
13 on October 11, 1911. At the time of the Riot, Plaintiff lived in
14 the Greenwood District of Tulsa with her family. Plaintiff is
15 the sister of Plaintiff JEANEATTE MCNEAL BRADSHAW. Plaintiff's
16 family property was destroyed during the Riot. Their mother's
17 boarding house and dressmaking business were completely destroyed
18 during the Riot. As required by the Oklahoma State Legislature
19 (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director of
20 the Oklahoma Historical Society has certified that Plaintiff is a
21 Riot Survivor.

22 82. Plaintiff LEON GRAYS, SR. is an individual
23 residing in the State of California. Plaintiff was born on August
24 5, 1915. At the time of the Riot, Plaintiff lived in the
25 Greenwood District of Tulsa. Plaintiff's family property was
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1 destroyed during the Riot, including all their furnishings and a
2 wagon with some tools during the Riot. Plaintiff was forced to
3 flee from the rioting white mob. Plaintiff's family moved to
4 Muskogee to escape the racial tensions in Tulsa. As required by
5 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
6 2000)), the Executive Director of the Oklahoma Historical Society
7 has certified that Plaintiff is a Riot Survivor.

8 83. Plaintiff HAZEL FRANKLIN HACKETT is an individual
9 residing in the State of Alabama. Plaintiff was born on October
10 11, 1918. At the time of the Riot, Plaintiff lived at 604 E.
11 Independence Place in the Greenwood District of Tulsa. Plaintiff
12 is the sister of Plaintiff ARCHIE JACKSON FRANKLIN. Plaintiff's
13 family property was destroyed during the Riot. During the Riot,
14 rioting white mob burned down Plaintiff's family's home and
15 destroyed all the family's possessions. Plaintiff was
16 unlawfully detained against her will for three days at the
17 Fairground detention center. Plaintiff was father's employer
18 "claimed" Plaintiff's father from the detention center. As
19 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
20 §8205 (West 2000)), the Executive Director of the Oklahoma
21 Historical Society has certified that Plaintiff is a Riot
22 Survivor.

23 84. Plaintiff MILDRED JOHNSON HALL is an individual
24 residing in the State of California. Plaintiff was born on
25 October 17, 1919. At the time of the Riot, Plaintiff lived in
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1 the Greenwood District of Tulsa. Plaintiff's family property was
2 destroyed during the Riot. Plaintiff's family was buying a home
3 in Greenwood that was destroyed by the white mob during the Riot.
4 Plaintiff's mother died months after the Riot from tuberculosis
5 and pneumonia resulting from her stay, during the fall and winter
6 of 1921, in the municipal tents erected after the Riot. As
7 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
8 §8205 (West 2000)), the Executive Director of the Oklahoma
9 Historical Society has certified that Plaintiff is a Riot
10 Survivor.

11 85. Plaintiff NELL HAMILTON HAMPTON is an individual
12 residing in the State of Oklahoma. Plaintiff was born on March
13 4, 1911. At the time of the Riot, Plaintiff lived in the
14 Greenwood District of Tulsa. Plaintiff was forced to flee her
15 home by the rioting white mob. As required by the Oklahoma State
16 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive
17 Director of the Oklahoma Historical Society has certified that
18 Plaintiff is a Riot Survivor.

19 86. Plaintiff LEROY LEON HATCHER is an individual
20 residing in the State of Oklahoma. Plaintiff was born on May 23,
21 1921. At the time of the Riot, Plaintiff lived near Brady
22 Street in the Greenwood District of Tulsa. Plaintiff's family
23 property was destroyed during the Riot. The rioting white mob
24 killed Plaintiff's father and burned down their home.
25 Plaintiff's mother carried him nine miles in an effort to avoid
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1 the rioting white mob. As required by the Oklahoma State
2 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
3 Executive Director of the Oklahoma Historical Society has
4 certified that Plaintiff is a Riot Survivor.

5 87. Plaintiff MADELEINE HAYNES is an individual
6 residing in the State of California. Plaintiff was born on June
7 7, 1912. At the time of the Riot, Plaintiff lived at 544 E.
8 Pine Street in the Greenwood District of Tulsa. Plaintiff's
9 family property was destroyed during the Riot. The rioting
10 white mob burned down Plaintiff's family's home. Plaintiff was
11 detained against her will in one of the detention centers.
12 National Guardsmen took Plaintiff and her family into custody
13 and transported Plaintiff, her sister, and her mother to the
14 Ball Park detention center. As required by the Oklahoma State
15 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
16 Executive Director of the Oklahoma Historical Society has
17 certified that Plaintiff is a Riot Survivor.

18 88. Plaintiff JAMES FRISSELL "BOTTLEHEAD" HILL is an
19 individual residing in the State of California. Plaintiff was
20 born on October 25, 1919. At the time of the Riot, Plaintiff
21 lived at 441 E. Latimer Street in the Greenwood District of
22 Tulsa. Plaintiff's family property was destroyed during the Riot.
23 The rioting white mob destroyed all of Plaintiff's family's
24 property. Plaintiff later saw active service in the United
25 States Military during World War II. As required by the Oklahoma
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1 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
2 Executive Director of the Oklahoma Historical Society has
3 certified that Plaintiff is a Riot Survivor.

4 89. Plaintiff JOYCE WALKER HILL is an individual
5 residing in the State of Kansas. Plaintiff was born on December
6 18, 1908. At the time of the Riot, Plaintiff lived at 322 N.
7 Frankfort in the Greenwood District of Tulsa. Plaintiff is the
8 sister of Plaintiffs SAMUEL WALKER and TROY SIDNEY WALKER.
9 Plaintiff's family property was destroyed during the Riot. The
10 rioting white mob destroyed Plaintiff's family home, which was a
11 two-story, eight-room house. Plaintiff's family also ran a
12 restaurant business. By the time Plaintiff escaped from the
13 rioting white mob, both her feet were bloody from running
14 barefoot along the gravel railroad tracks. As required by the
15 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
16 2000)), the Executive Director of the Oklahoma Historical
17 Society has certified that Plaintiff is a Riot Survivor.

18 90. Plaintiff DR. OLIVIA J. HOOKER is an individual
19 residing in the State of New York. Plaintiff was born on
20 February 12, 1915. At the time of the Riot, Plaintiff lived on
21 Independence Street in the Greenwood District of Tulsa.
22 Plaintiff is the sister of Plaintiffs NAOMI HOOKER CHAMBERLAIN
23 and SAMUEL L. HOOKER. Plaintiff's family property was destroyed
24 during the Riot, including their home and business. As required
25 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205
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1 (West 2000)), the Executive Director of the Oklahoma Historical
2 Society has certified that Plaintiff is a Riot Survivor.

3 91. Plaintiff SAMUEL L. HOOKER, JR. is an individual
4 residing in the State of Illinois. Plaintiff was born on January
5 6, 1918. At the time of the Riot, Plaintiff lived on
6 Independence Street in the Greenwood District of Tulsa.
7 Plaintiff is the brother of Plaintiffs NAOMI HOOKER CHAMBERLAIN
8 and DR. OLIVIA J. HOOKER. Plaintiff's family property was
9 destroyed during the Riot, including their home and business.
10 As required by the Oklahoma State Legislature (74 Okl. Stat.
11 Ann. §8205 (West 2000)), the Executive Director of the Oklahoma
12 Historical Society has certified that Plaintiff is a Riot
13 Survivor.

14 92. Plaintiff WILHELMINA GUESS HOWELL is an
15 individual residing in the State of Oklahoma. Plaintiff was
16 born on April 25, 1907. At the time of the Riot, Plaintiff
17 lived in the Greenwood District of Tulsa. Plaintiff's family
18 property was destroyed during the Riot. The rioting white mob
19 killed Plaintiff's uncle. As required by the Oklahoma State
20 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
21 Executive Director of the Oklahoma Historical Society has
22 certified that Plaintiff is a Riot Survivor.

23 93. Plaintiff CHARLES HUGHES is an individual
24 residing in the State of Michigan. At the time of the Riot,
25 Plaintiff lived in the Greenwood District of Tulsa. As required
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1 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205
2 (West 2000)), the Executive Director of the Oklahoma Historical
3 Society has certified that Plaintiff is a Riot Survivor.

4 94. Plaintiff MYRTLE WELLS HURD is an individual
5 residing in the State of Oklahoma. At the time of the Riot,
6 Plaintiff lived in the Greenwood District of Tulsa. As required
7 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
8 2000)), the Executive Director of the Oklahoma Historical Society
9 has certified that Plaintiff is a Riot Survivor.

10 95. Plaintiff VERA INGRAM is an individual residing
11 in the State of Oklahoma. Plaintiff was born on March 4, 1914.
12 At the time of the Riot, Plaintiff lived at 1342 N. Lansing
13 Avenue in the Greenwood District of Tulsa. Plaintiff's family
14 property was destroyed during the Riot. Plaintiff's family fled
15 to Mowhawk Park, where the rioting white mob shot at Plaintiff's
16 family. Plaintiff was unlawfully detained against her will in
17 the Fairground detention center. As required by the Oklahoma
18 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
19 Executive Director of the Oklahoma Historical Society has
20 certified that Plaintiff is a Riot Survivor.

21 96. Plaintiff EUNICE CLOMAN JACKSON is an individual
22 residing in the State of Oklahoma. Plaintiff was born on August
23 17, 1903. At the time of the Riot, Plaintiff lived at 401 E.
24 Marshall Street in the Greenwood District of Tulsa. Plaintiff
25 was unlawfully detained against her will in one of the detention
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1 centers. During the Riot the Tulsa police captured Plaintiff and
2 took her, along with her mother and brother, to the Convention
3 Center detention center. Plaintiff's mother's white employer
4 "claimed" the family from the Convention Center. As required by
5 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
6 2000)), the Executive Director of the Oklahoma Historical Society
7 has certified that Plaintiff is a Riot Survivor.

8 97. Plaintiff GENEVIEVE ELIZABETH TILLMAN JACKSON is
9 an individual residing in the State of Oklahoma. Plaintiff was
10 born on June 29, 1915. At the time of the Riot, Plaintiff lived
11 on Brickyard (now Frankfort) Hill in the Greenwood District of
12 Tulsa. Plaintiff's family property was destroyed during the Riot.
13 Plaintiff saw airplanes drop incendiary devices on Greenwood. As
14 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
15 §8205 (West 2000)), the Executive Director of the Oklahoma
16 Historical Society has certified that Plaintiff is a Riot
17 Survivor.

18 98. Plaintiff WILLIE BELL WHITE JACKSON is an
19 individual residing in the State of Ohio. Plaintiff was born on
20 June 4, 1910. At the time of the Riot, Plaintiff lived in the
21 Greenwood District of Tulsa. As required by the Oklahoma State
22 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
23 Executive Director of the Oklahoma Historical Society has
24 certified that Plaintiff is a Riot Survivor.

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1 99. Plaintiff DR. HOBART JARRETT is an individual
2 residing in the State of New York. Plaintiff was born on June 4,
3 1910. At the time of the Riot, plaintiff lived at 1213 N.
4 Greenwood Street in the Greenwood District of Tulsa.
5 Plaintiff's parents owned a store on Easton Street, in
6 Greenwood. Plaintiff's family property was destroyed during the
7 Riot. During the Riot, the rioting white mob burned down the
8 store and looted, defecated, and urinated in their home.
9 Plaintiff was unlawfully detained against his will in one of the
10 detention centers. The National Guard took plaintiff and his
11 family into custody and transported them to the Fairground
12 detention center. As required by the Oklahoma State Legislature
13 (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director
14 of the Oklahoma Historical Society has certified that Plaintiff
15 is a Riot Survivor.

16 100. Plaintiff ARTIE LACY JOHNSON is an individual
17 residing in the State of Missouri. Plaintiff was born on July
18 29, 1915. At the time of the Riot, plaintiff lived on Bullette
19 Street in the Greenwood District of Tulsa. Plaintiff is the
20 sister of Plaintiff LULA BELLE LACY BULLOCK. Plaintiffs fled the
21 Rioting white mob. Plaintiffs' property was destroyed during
22 the Riot: their family store and home were burned down. As
23 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
24 §8205 (West 2000)), the Executive Director of the Oklahoma
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1 Historical Society has certified that Plaintiff is a Riot
2 Survivor.

3 101. Plaintiff WILMA MITCHELL JOHNSON is an individual
4 residing in the State of New Mexico. Plaintiff was born on August
5 14, 1919. At the time of the Riot, Plaintiff lived at 1421 N.
6 Kenosha Street in the Greenwood District of Tulsa. During the
7 Riot, the rioting white mob shot Plaintiff's father three times,
8 but Plaintiff's father survived. Plaintiff's family property was
9 destroyed during the Riot. The rioting white mob burned down
10 Plaintiff's parents' restaurant. As required by the Oklahoma
11 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
12 Executive Director of the Oklahoma Historical Society has
13 certified that Plaintiff is a Riot Survivor.

14 102. Plaintiff EDWARD EARVEN JONES is an individual
15 residing in the State of Oklahoma. Plaintiff was born on March
16 24, 1920. At the time of the Riot, Plaintiff lived on East
17 Davenport Avenue in the Greenwood District of Tulsa. Plaintiff's
18 mother saw airplanes piloted by white rioters drop incendiary
19 devices during the Riot. Plaintiff escaped from the Riot with
20 his family to Catoosa, Oklahoma, and then to Red Bird, Oklahoma.
21 As required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
22 §8205 (West 2000)), the Executive Director of the Oklahoma
23 Historical Society has certified that Plaintiff is a Riot
24 Survivor.

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1 103. Plaintiff HAZEL DOLORES SMITH JONES is an
2 individual residing in Tulsa, Oklahoma. Plaintiff was born on
3 January 8, 1919. At the time of the Riot, Plaintiff lived with
4 her thirteen brothers and sisters at 1205 N. Madison Street in
5 the Greenwood District of Tulsa. Plaintiff's family property was
6 destroyed during the Riot. The rioting white mob burned
7 Plaintiff's family home to the ground. Plaintiff was unlawfully
8 detained against her will in one of the detention centers.
9 Plaintiff, along with her mother and her siblings, were taken to
10 the Fairground and were held for three or four days until
11 Plaintiff's father came for them.

12 104. Plaintiff THELMA THURMAN KNIGHT is an individual
13 residing in the State of Oklahoma. Plaintiff was born on May
14 30, 1915. At the time of the Riot, Plaintiff lived at 619 E.
15 Cameron Street in the Greenwood District of Tulsa. Plaintiff's
16 family property was destroyed during the Riot. As required by
17 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
18 2000)), the Executive Director of the Oklahoma Historical
19 Society has certified that Plaintiff is a Riot Survivor.

20 105. Plaintiff LEANNA JOHNSON LEWIS is an individual
21 residing in the State of Oklahoma. Plaintiff was born on August
22 24, 1919. At the time of the Riot, Plaintiff lived in the
23 Greenwood District of Tulsa. As required by the Oklahoma State
24 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
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1 Executive Director of the Oklahoma Historical Society has
2 certified that Plaintiff is a Riot Survivor.

3 106. Plaintiff KATIE MAE JOHNSON LIVINGSTON is an
4 individual residing in the State of Oklahoma. Plaintiff was born
5 on May 6, 1921. At the time of the Riot, Plaintiff lived in the
6 Greenwood District of Tulsa. Plaintiff's family property was
7 destroyed during the Riot: Plaintiff's house was burned down.
8 Plaintiff fled from the rioting white mob with her mother and
9 sister. They went to stay with relatives in Clarksville,
10 Oklahoma, and never returned to live in Tulsa. As required by
11 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
12 2000)), the Executive Director of the Oklahoma Historical Society
13 has certified that Plaintiff is a Riot Survivor.

14 107. Plaintiff ALICE HIGGS LOLLIS is an individual
15 residing in the State of Oklahoma. Plaintiff was born on June
16 21, 1906. At the time of the Riot, Plaintiff lived on Pine
17 Place in the Greenwood District of Tulsa. Plaintiff was
18 unlawfully detained against her will in a segregated hospital
19 hastily created for African American Riot victims. Plaintiff,
20 who suffered from rheumatism, was forced to sleep on a mattress
21 on the ground in the hospital. As required by the Oklahoma
22 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
23 Executive Director of the Oklahoma Historical Society has
24 certified that Plaintiff is a Riot Survivor.

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1 108. Plaintiff ROANNA HENRY McCLURE is an individual
2 residing in the State of Oklahoma. Plaintiff was born on
3 February 21, 1914. At the time of the Riot, Plaintiff lived on
4 Pine Place in the Greenwood District of Tulsa. The rioting
5 white mob shot at Plaintiff and Plaintiff's grandmother from
6 Reservoir Hill. Plaintiff was unlawfully detained against her
7 will. After the Riot, Plaintiff was housed in a segregated
8 makeshift hospital on 15th Street without sufficient beds,
9 forcing her to lie on mattresses placed on the floor of the
10 building. Plaintiff and Plaintiff's grandmother were later
11 taken to the Fairgrounds where they slept on mattresses on the
12 floor. Plaintiff's family property was destroyed: their house
13 was set on fire and partially burned. As required by the
14 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
15 2000))), the Executive Director of the Oklahoma Historical
16 Society has certified that Plaintiff is a Riot Survivor.

17 109. Plaintiff ELDORIS MAE ECTOR McCONDICHIE is an
18 individual residing in the State of Oklahoma. Plaintiff was born
19 on September 8, 1911. At the time of the Riot, Plaintiff lived
20 at 1341 N. Iroquois Street in the Greenwood District of Tulsa.
21 During the Riot, Plaintiff witnessed whites piloting airplanes
22 from which they shot at fleeing African American men, women, and
23 children. Plaintiff fled with her family to Pawhuska, Oklahoma.
24 Plaintiff still has nightmares about the Riot. As required by
25 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
26

1 2000)), the Executive Director of the Oklahoma Historical Society
2 has certified that Plaintiff is a Riot Survivor.

3 110. Plaintiff CAROL SMITHERMAN MARTIN is an individual
4 residing in the State of North Carolina. Plaintiff was born on
5 December 22, 1912. At the time of the Riot, Plaintiff lived in
6 the Greenwood District of Tulsa. Plaintiff suffered property
7 damage during the Riot: her father, Andrew Jackson Smitherman,
8 owned a newspaper and his business and family home was burned to
9 the ground. Plaintiff was forced to flee Tulsa by the rioting
10 white mob. One year after the Riot, Klansmen cut off Plaintiff's
11 uncle's ear in an act of racial intimidation and violence. As
12 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
13 §8205 (West 2000)), the Executive Director of the Oklahoma
14 Historical Society has certified that Plaintiff is a Riot
15 Survivor.

16 111. Plaintiff MARY TACOMA MAUPIN is an individual
17 residing in the State of Kentucky. Plaintiff was born on
18 November 9, 1905. At the time of the Riot, Plaintiff lived at
19 507 N. Detroit Avenue in the Greenwood District of Tulsa.
20 Plaintiff resided with her uncle. Plaintiff's family property
21 was destroyed during the Riot. The rioting white mob burned and
22 looted the family home. Plaintiff heard the rioting whites
23 exclaim: "These niggers have better things than we do!" What
24 the rioting white mob could not take it destroyed. Plaintiff
25 was unlawfully detained against her will in one of the detention
26

1 centers. As required by the Oklahoma State Legislature (74 Okl.
2 Stat. Ann. §8205 (West 2000)), the Executive Director of the
3 Oklahoma Historical Society has certified that Plaintiff is a
4 Riot Survivor.

5 112. Plaintiff WILLIE MUSGROVE MEANS is an individual
6 residing in the State of California. Plaintiff was born on
7 August 24, 1916. At the time of the Riot, Plaintiff lived in
8 the Greenwood District of Tulsa. As required by the Oklahoma
9 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
10 Executive Director of the Oklahoma Historical Society has
11 certified that Plaintiff is a Riot Survivor.

12 113. Plaintiff ISHMAEL S. MORAN is an individual
13 residing in the State of California. Plaintiff was born on
14 January 1, 1920. At the time of the Riot, Plaintiff lived at
15 313 N. Elgin in the Greenwood District of Tulsa. Plaintiff's
16 father worked at the National Bank of Tulsa on Boston Street.
17 Plaintiff was forced to flee his house and hide from the rioting
18 white mob. As required by the Oklahoma State Legislature (74
19 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director of
20 the Oklahoma Historical Society has certified that Plaintiff is
21 a Riot Survivor.

22 114. Plaintiff RUTH DEAN NASH is an individual residing
23 in the State of Oklahoma. Plaintiff was born on September 9,
24 1915. At the time of the Riot, Plaintiff lived on Latimer
25 Street in the Greenwood District of Tulsa. Plaintiff's property
26

1 was destroyed during the Riot. The rioting white mob burned
2 Plaintiff's home to the ground. To escape the Riot, Plaintiff
3 and her mother fled in a car for Muskogee, Oklahoma. Plaintiff
4 and her mother were taken to the Dunbar School and later joined
5 by her father. As required by the Oklahoma State Legislature
6 (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director
7 of the Oklahoma Historical Society has certified that Plaintiff
8 is a Riot Survivor.

9 115. Plaintiff SIMEON L. NEAL is an individual residing
10 in the State of Illinois. Plaintiff was born on August 31, 1920.
11 At the time of the Riot, Plaintiff lived in the Greenwood
12 District of Tulsa. Plaintiff's family property was destroyed
13 during the Riot: his father's tailor shop and three rented homes
14 were burned. Plaintiff was forced to flee from the rioting white
15 mob. As required by the Oklahoma State Legislature (74 Okl.
16 Stat. Ann. §8205 (West 2000)), the Executive Director of the
17 Oklahoma Historical Society has certified that Plaintiff is a
18 Riot Survivor.

19 116. Plaintiff ALMADGE J. NEWKIRK is an individual
20 residing in the State of California. Plaintiff was born on
21 October 13, 1913. At the time of the Riot, Plaintiff lived at
22 119 N. Greenwood Avenue in the Greenwood District of Tulsa.
23 Plaintiff's parents ran a business consisting of a bakery and a
24 confectionary shop, and a photography studio. Plaintiff's family
25 property was destroyed during the Riot. The rioting white mob
26

1 destroyed the buildings and the business in the course of the
2 Riot. As required by the Oklahoma State Legislature (74 Okl.
3 Stat. Ann. §8205 (West 2000)), the Executive Director of the
4 Oklahoma Historical Society has certified that Plaintiff is a
5 Riot Survivor.

6 117. Plaintiff MYRTLE NAPIER OLIVER is an individual
7 residing in the State of Georgia. Plaintiff was born in 1911.
8 At the time of the Riot, Plaintiff lived at 526 N. Elgin Street
9 in the Greenwood District of Tulsa with her family. As required
10 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205
11 (West 2000)), the Executive Director of the Oklahoma Historical
12 Society has certified that Plaintiff is a Riot Survivor.

13 118. Plaintiff JUANITA MAXINE SCOTT PARRY is an
14 individual residing in the State of Oklahoma. Plaintiff was born
15 on June 21, 1919. At the time of the Riot, Plaintiff lived at
16 341 or 404 N. Elgin Street in the Greenwood District of Tulsa.
17 Plaintiff is the sister of Plaintiff JULIUS WARREN SCOTT.
18 Plaintiff's family home was destroyed during the Riot.
19 Plaintiff fled with her family to the home of an attorney named
20 I.H. Spears and saw people burning houses at Hartford near
21 Archer. As required by the Oklahoma State Legislature (74 Okl.
22 Stat. Ann. §8205 (West 2000)), the Executive Director of the
23 Oklahoma Historical Society has certified that Plaintiff is a
24 Riot Survivor.

1 119. Plaintiff IDA BURNS PATTERSON is an individual
2 residing in the State of Florida. Plaintiff was born on January
3 25, 1919. Plaintiff is the sister of Plaintiff JOE R. BURNS. At
4 the time of the Riot, Plaintiff lived at 517 Latimer Court in the
5 Greenwood District of Tulsa. During the Riot Plaintiff fled with
6 her family from the rioting white mob and hid in a ravine on
7 Apache Street. Plaintiff suffered property damage during the
8 Riot. As required by the Oklahoma State Legislature (74 Okl.
9 Stat. Ann. §8205 (West 2000)), the Executive Director of the
10 Oklahoma Historical Society has certified that Plaintiff is a
11 Riot Survivor.

12 120. Plaintiff FREDDIE SCOTT PAYNE is an individual
13 residing in the State of California. Plaintiff was born on
14 November 8, 1914. Plaintiff resided in Greenwood, across from
15 Booker T. Washington High School on a steep hill behind the
16 school at the time of the riot. Plaintiff's grandfather and
17 uncle were killed during the riot. As required by the Oklahoma
18 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
19 Executive Director of the Oklahoma Historical Society has
20 certified that Plaintiff is a Riot Survivor.

21 121. Plaintiff JOAN ALEXANDER POWDRILL is an
22 individual residing in the State of California. Plaintiff was
23 born on March 27, 1917. Plaintiff lived at 1621 North Norfolk
24 Street in the Greenwood District of Tulsa. Plaintiff is the
25 sister of Plaintiff JOHN MELVIN ALEXANDER. As required by the
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1 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
2 2000)), the Executive Director of the Oklahoma Historical
3 Society has certified that Plaintiff is a Riot Survivor.

4 122. Plaintiff ALICE PRESLEY is an individual residing
5 in the State of California. Plaintiff was born on March 8, 1921.
6 At the time of the Riot, Plaintiff lived in the Greenwood
7 District of Tulsa. The Riot so traumatized Plaintiff's parents
8 that they left Tulsa for good after the Riot. As required by
9 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
10 2000)), the Executive Director of the Oklahoma Historical
11 Society has certified that Plaintiff is a Riot Survivor.

12 123. Plaintiff DeLOIS VADEN RAMSEY is an individual
13 residing in the State of Oklahoma. Plaintiff was born on March 5,
14 1919. At the time of the Riot, Plaintiff lived on Elgin Street
15 in the Greenwood District of Tulsa. Plaintiff's father owned a
16 Vaden's Pool Hall, a popular recreation spot frequented by many
17 notable African Americans. Plaintiff's family property was
18 destroyed during the Riot by the rioting white mob: they even
19 shot her dog. As required by the Oklahoma State Legislature (74
20 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director of the
21 Oklahoma Historical Society has certified that Plaintiff is a
22 Riot Survivor.

23 124. Plaintiff CORA HAWKINS RENFRO is an individual
24 residing in the State of Illinois. Plaintiff was born on April
25 28, 1920. At the time of the Riot, Plaintiff lived in the
26

1 Greenwood District of Tulsa. As required by the Oklahoma State
2 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
3 Executive Director of the Oklahoma Historical Society has
4 certified that Plaintiff is a Riot Survivor.

5 125. Plaintiff SIMON R. RICHARDSON is an individual
6 residing in the State of Oklahoma. Plaintiff was born on
7 February 12, 1914. At the time of the Riot, Plaintiff lived on
8 Greenwood Avenue in the Greenwood District of Tulsa. Plaintiff
9 was unlawfully detained against his will in the Convention
10 Center detention center. As required by the Oklahoma State
11 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
12 Executive Director of the Oklahoma Historical Society has
13 certified that Plaintiff is a Riot Survivor.

14 126. Plaintiff JEWEL SMITHERMAN ROGERS is an
15 individual residing in the State of California. Plaintiff was
16 born on June 12, 1917. At the time of the Riot, Plaintiff lived
17 on Elgin Street in the Greenwood District of Tulsa. Plaintiff
18 suffered property damage during the Riot: her family home was
19 burned to the ground. As required by the Oklahoma State
20 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
21 Executive Director of the Oklahoma Historical Society has
22 certified that Plaintiff is a Riot Survivor.

23 127. Plaintiff JULIUS WARREN SCOTT is an individual
24 residing in the State of Oklahoma. Plaintiff was born on
25 September 23, 1921. Plaintiff was born in a tent in the Greenwood
26

1 District of Tulsa in the immediate aftermath of the Riot.
2 Plaintiff is the brother of Plaintiff JUANITA MAXINE SCOTT PERRY.
3 Plaintiff's family home was destroyed during the Riot. As
4 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
5 §8205 (West 2000)), the Executive Director of the Oklahoma
6 Historical Society has certified that Plaintiff is a Riot
7 Survivor.

8 128. Plaintiff ORA LEE SCOTT is an individual residing
9 in the State of California. Plaintiff was born on August 4,
10 1912. At the time of the Riot, Plaintiff lived in the Greenwood
11 District of Tulsa. Plaintiff and her family fled the rioting
12 white mob. The Riot caused Plaintiff's family to leave Tulsa
13 and move to California. As required by the Oklahoma State
14 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
15 Executive Director of the Oklahoma Historical Society has
16 certified that Plaintiff is a Riot Survivor.

17 129. Plaintiff TULETA S. DUNCAN SHAWNEE is an
18 individual residing in the State of California. Plaintiff was
19 born on September 7, 1903. At the time of the Riot, Plaintiff
20 lived at 1062 N. Lansing Street in the Greenwood District of
21 Tulsa. Plaintiff fled from the rioting white mob. Plaintiff
22 left Tulsa after the Riot, never to return. As required by the
23 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
24 2000)), the Executive Director of the Oklahoma Historical
25 Society has certified that Plaintiff is a Riot Survivor.

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1 130. Plaintiff VENEICE DUNN SIMMS is an individual
2 residing in the State of Oklahoma. Plaintiff was born on
3 January 21, 1905. At the time of the Riot, Plaintiff lived at
4 1027 N. Kenosha Street in the Greenwood District of Tulsa.
5 Plaintiff's family home was destroyed during the Riot.
6 Plaintiff's family fled from Tulsa, never to return. As
7 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
8 §8205 (West 2000)), the Executive Director of the Oklahoma
9 Historical Society has certified that Plaintiff is a Riot
10 Survivor.

11 131. Plaintiff HAL "CORNBREAD" SINGER is an individual
12 residing in Nanterre, France. Plaintiff was born on October 8,
13 1919. At the time of the Riot, Plaintiff lived on Frankfort
14 Avenue in the Greenwood District of Tulsa. Plaintiff suffered
15 property damage during the Riot. The rioting white mob
16 destroyed Plaintiff's family's home and property. As required
17 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205
18 (West 2000)), the Executive Director of the Oklahoma Historical
19 Society has certified that Plaintiff is a Riot Survivor.

20 132. Plaintiff BEULAH LOREE KEENAN SMITH is an
21 individual residing in the State of Oklahoma. Plaintiff was born
22 on May 20, 1908. At the time of the Riot, Plaintiff lived at
23 1411 N. Lansing Street in the Greenwood District of Tulsa.
24 Plaintiff's property was destroyed during the Riot. Plaintiff
25 suffered physical injury during the Riot, as her back was
26

1 injured fleeing from the mob. Her family attempted to evade
2 capture by hiding in a hog pen, but her father was captured and
3 placed in a detention center. As required by the Oklahoma State
4 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
5 Executive Director of the Oklahoma Historical Society has
6 certified that Plaintiff is a Riot Survivor.

7 133. Plaintiff GOLDEN WILLIAMS SMITH is an individual
8 residing in the State of Oklahoma. Plaintiff was born on May 20,
9 1916. At the time of the Riot, Plaintiff lived on Greenwood
10 Avenue in the Greenwood District of Tulsa. Plaintiff's family
11 property was destroyed during the Riot. The rioting white mob
12 burned down Plaintiff's parents' home and the state or municipal
13 authorities removed Plaintiff's family to the Fairground
14 detention center. As required by the Oklahoma State Legislature
15 (74 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director
16 of the Oklahoma Historical Society has certified that Plaintiff
17 is a Riot Survivor.

18 134. Plaintiff LOLA SNEED SNOWDEN is an individual
19 residing in the State of Indiana. Plaintiff was born on January
20 21, 1915. At the time of the Riot, Plaintiff resided on Cruse
21 Street in the Greenwood District of Tulsa. Plaintiff's property
22 was destroyed in the riot, including her family home. Plaintiff
23 and her family fled to the woods and stayed with several Native
24 American families before returning to Tulsa. Plaintiff still
25 suffers from phobias and nightmares. As required by the

1 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
2 2000)), the Executive Director of the Oklahoma Historical
3 Society has certified that Plaintiff is a Riot Survivor.

4 135. Plaintiff JAMES L. STEWARD is an individual
5 residing in the State of Oklahoma. Plaintiff was born on July
6 12, 1917. At the time of the Riot, Plaintiff lived at 444 E.
7 Marshall Place in the Greenwood District of Tulsa. Plaintiff's
8 family property was destroyed during the Riot. The rioting white
9 mob set fire to his home while Plaintiff and his family were
10 still inside. As required by the Oklahoma State Legislature (74
11 Okl. Stat. Ann. §8205 (West 2000)), the Executive Director of
12 the Oklahoma Historical Society has certified that Plaintiff is
13 a Riot Survivor.

14 136. Plaintiff DOROTHY WILSON STRICKLAND is an
15 individual residing in the State of Illinois. Plaintiff was
16 born on November 6, 1912. At the time of the Riot, Plaintiff
17 lived at 419 E. Latimer Court in the Greenwood District of
18 Tulsa. Plaintiff's family suffered property damage during the
19 Riot: her father's store was one of the first buildings burned
20 by the rioting white mob. Plaintiffs were forced to flee from
21 the rioting white mob. Plaintiff was unlawfully detained
22 against his will in one of the detention centers. As required
23 by the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205
24 (West 2000)), the Executive Director of the Oklahoma Historical
25 Society has certified that Plaintiff is a Riot Survivor.

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1 137. Plaintiff SARAH TATUM is an individual residing
2 in the State of Connecticut. Plaintiff was born on April 20,
3 1912. At the time of the Riot, Plaintiff lived in the Greenwood
4 District of Tulsa. As required by the Oklahoma State
5 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
6 Executive Director of the Oklahoma Historical Society has
7 certified that Plaintiff is a Riot Survivor.

8 138. Plaintiff LOIS WHITE TAYLOR is an individual
9 residing in the State of California. Plaintiff was born on
10 September 27, 1919. At the time of the Riot, Plaintiff resided
11 at 1273 N. Lansing Street in the Greenwood District of Tulsa.
12 Plaintiff fled from the rioting white mob with her brother and
13 mother to Turley, Oklahoma, a town north of Tulsa. Plaintiff's
14 family property was destroyed during the Riot: all their
15 personnel possessions were destroyed or looted, and the family
16 home was damaged in the fire.

17 139. Plaintiff WILLIE MAE SHELBURN THOMPSON is an
18 individual residing in the State of Oklahoma. Plaintiff was born
19 on December 4, 1912. At the time of the Riot, Plaintiff lived at
20 on Lansing Avenue in the Greenwood District of Tulsa.
21 Plaintiff's family property was destroyed during the Riot.
22 After the Riot, Plaintiff's family was so concerned for her
23 safety that they sent her to live with her father in Austin,
24 Texas. As required by the Oklahoma State Legislature (74 Okl.
25 Stat. Ann. §8205 (West 2000)), the Executive Director of the
26

1 Oklahoma Historical Society has certified that Plaintiff is a
2 Riot Survivor.

3 140. Plaintiff EFFIE LEE SPEARS TODD is an individual
4 residing in the State of Oklahoma. Plaintiff was born on
5 November 5, 1908. At the time of the Riot, Plaintiff lived in
6 the Greenwood District of Tulsa. Plaintiff fled from the rioting
7 white mob. Plaintiff's property was destroyed during the Riot.
8 As required by the Oklahoma State Legislature (74 Okl. Stat.
9 Ann. §8205 (West 2000)), the Executive Director of the Oklahoma
10 Historical Society has certified that Plaintiff is a Riot
11 Survivor.

12 141. Plaintiff MELVIN C. TODD is an individual
13 residing in the State of Oklahoma. Plaintiff was born on April
14 12, 1910. At the time of the Riot, Plaintiff lived on Elgin
15 Street in the Greenwood District of Tulsa. Plaintiff suffered
16 property damage during the Riot: his house was burned down. As
17 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
18 §8205 (West 2000)), the Executive Director of the Oklahoma
19 Historical Society has certified that Plaintiff is a Riot
20 Survivor.

21 142. Plaintiff KATHRYN MAE TAYLOR TOLIN is an
22 individual residing in the State of California. Plaintiff was
23 born on August 27, 1910. At the time of the Riot, Plaintiff
24 lived in the Greenwood District of Tulsa. As required by the
25 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
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1 2000)), the Executive Director of the Oklahoma Historical
2 Society has certified that Plaintiff is a Riot Survivor.

3 143. Plaintiff BESSIE MAE AUSTIN VESTER is an
4 individual residing in the State of Oklahoma. Plaintiff was
5 born on September 28, 1919. At the time of the Riot, Plaintiff
6 lived in the Greenwood District of Tulsa. Plaintiff's sister
7 was badly burned during the Riot. As required by the Oklahoma
8 State Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
9 Executive Director of the Oklahoma Historical Society has
10 certified that Plaintiff is a Riot Survivor.

11 144. Plaintiff QUEEN ESTHER LOVE WALKER is an
12 individual residing in the State of Oklahoma. Plaintiff was
13 born on May 4, 1921. At the time of the Riot, Plaintiff lived
14 in the Greenwood District of Tulsa. Plaintiff's family property
15 was destroyed during the Riot, including a house on Greenwood
16 Avenue and a prosperous restaurant. The rioting white mob shot
17 at Plaintiff and her family while they attempted to flee. As
18 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
19 §8205 (West 2000)), the Executive Director of the Oklahoma
20 Historical Society has certified that Plaintiff is a Riot
21 Survivor.

22 145. Plaintiff SAMUEL WALKER is an individual residing
23 in the State of Missouri. Plaintiff was born on September 28,
24 1921. At the time of the Riot, Plaintiff's mother, who lived on
25 Frankfort Avenue in the Greenwood District of Tulsa, was
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1 pregnant with Plaintiff. Plaintiff was born prematurely in a
2 Red Cross tent put up for the Riot survivors. Plaintiff is the
3 brother of Plaintiffs TROY SIDNEY WALKER and JOYCE WALKER HILL.
4 Plaintiff's family property was destroyed during the Riot. As
5 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
6 §8205 (West 2000)), the Executive Director of the Oklahoma
7 Historical Society has certified that Plaintiff is a Riot
8 Survivor.

9 146. Plaintiff TROY SIDNEY WALKER is an individual
10 residing in the State of Washington. Plaintiff was born on
11 August 16, 1918. At the time of the Riot, Plaintiff lived on
12 Frankfort Avenue in the Greenwood District of Tulsa. Plaintiff
13 is brother of JOYCE WALKER HILL and SAMUEL WALKER. Plaintiff's
14 family property was destroyed during the Riot. As required by
15 the Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
16 2000)), the Executive Director of the Oklahoma Historical
17 Society has certified that Plaintiff is a Riot Survivor.

18 147. Plaintiff OSCAR DOUGLAS WASHINGTON is an
19 individual residing in the State of Missouri. Plaintiff was
20 born on February 18, 1912. At the time of the Riot, Plaintiff
21 lived on the 900 Block of Queen Street in the Greenwood District
22 of Tulsa. Plaintiff saw airplanes flying low over Greenwood.
23 Plaintiff fled with his family from the rioting white mob. As
24 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
25 §8205 (West 2000)), the Executive Director of the Oklahoma
26

1 Historical Society has certified that Plaintiff is a Riot
2 Survivor.

3 148. Plaintiff MARY LEON BROWN WATSON is an individual
4 residing in the State of Oklahoma. Plaintiff was born on
5 October 9, 1909. At the time of the Riot, Plaintiff lived in
6 the Webb Hotel on the corner of Greenwood Avenue and Archer
7 Street in the Greenwood District of Tulsa. Plaintiff's family
8 property was destroyed during the Riot. As required by the
9 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
10 2000)), the Executive Director of the Oklahoma Historical
11 Society has certified that Plaintiff is a Riot Survivor.

12 149. Plaintiff ALLEN MATTHEW WHITE is an individual
13 residing in the State of Ohio. Plaintiff was born on February 4,
14 1917. At the time of the Riot, Plaintiff lived at 1431 N.
15 Lansing Street in the Greenwood District of Tulsa with his
16 family. As required by the Oklahoma State Legislature (74 Okl.
17 Stat. Ann. §8205 (West 2000)), the Executive Director of the
18 Oklahoma Historical Society has certified that Plaintiff is a
19 Riot Survivor.

20 150. Plaintiff CECIL WHITE is an individual residing in
21 the State of California. Plaintiff was born on April 15, 1919.
22 At the time of the Riot, Plaintiff lived at 427 E. Latimer Street
23 in the Greenwood District of Tulsa. During the Riot, the rioting
24 white mob shot and killed Plaintiff's uncle. As required by the
25 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
26

1 2000)), the Executive Director of the Oklahoma Historical
2 Society has certified that Plaintiff is a Riot Survivor.

3 151. Plaintiff MARIE WHITEHORN is an individual
4 residing in the State of California. Plaintiff was born on
5 April 24, 1910. At the time of the Riot, Plaintiff lived on
6 Greenwood Avenue in the Greenwood District of Tulsa. Plaintiff
7 fled from the rioting white mob during the course of the Riot.
8 Plaintiff suffered emotional trauma as a result of the Riot. As
9 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
10 §8205 (West 2000)), the Executive Director of the Oklahoma
11 Historical Society has certified that Plaintiff is a Riot
12 Survivor.

13 152. Plaintiff MILDRED EVITT WILBURN is an individual
14 residing in the State of Oklahoma. Plaintiff was born on January
15 17, 1921. At the time of the Riot, Plaintiff lived in the
16 Greenwood District of Tulsa with her family. As required by the
17 Oklahoma State Legislature (74 Okl. Stat. Ann. §8205 (West
18 2000)), the Executive Director of the Oklahoma Historical Society
19 has certified that Plaintiff is a Riot Survivor.

20 153. Plaintiff BERTRAM C. WILLIAMS is an individual
21 residing in the State of Washington. Plaintiff was born on
22 September 22, 1920. At the time of the Riot, Plaintiff lived at
23 543 E. Latimer Court in the Greenwood District of Tulsa.
24 Plaintiff was unlawfully detained against his will in one of the
25 detention centers. During the Riot, Plaintiff fled from the
26

1 rioting white mob with his family to Mowhawk Park, where the
2 National Guard captured him and took him to a detention center.
3 As required by the Oklahoma State Legislature (74 Okl. Stat.
4 Ann. §8205 (West 2000)), the Executive Director of the Oklahoma
5 Historical Society has certified that Plaintiff is a Riot
6 Survivor.

7 154. Plaintiff LOUIE BARTON WILLIAMS is an individual
8 residing in the State of Illinois. Plaintiff was born on
9 September 21, 1912. At the time of the Riot, Plaintiff lived in
10 the Greenwood District of Tulsa. Plaintiff was order from her
11 house by the rioting white mob, and fled until she was caught.
12 Plaintiff was unlawfully detained against her will in one of the
13 detention centers. As required by the Oklahoma State
14 Legislature (74 Okl. Stat. Ann. §8205 (West 2000)), the
15 Executive Director of the Oklahoma Historical Society has
16 certified that Plaintiff is a Riot Survivor.

17 155. Plaintiff WESS YOUNG is an individual residing in
18 the State of Oklahoma. Plaintiff was born on February 20, 1917.
19 At the time of the Riot, Plaintiff lived on the 300 block of N.
20 Hartford Avenue in the Greenwood District of Tulsa. Plaintiff
21 was captured by the National Guard and unlawfully detained
22 against his will at the Booker T. Washington High School. As
23 required by the Oklahoma State Legislature (74 Okl. Stat. Ann.
24 §8205 (West 2000)), the Executive Director of the Oklahoma
25
26

1 Historical Society has certified that Plaintiff is a Riot
2 Survivor.

3 156. Each of the Plaintiffs described above suffered
4 and was directly injured in some way by the unlawful conduct of
5 the Defendants.

6 ii Descendants
7

8 157. The following Plaintiffs are descendants of Riot
9 victims who were killed during the Riot:

10 158. Plaintiffs ARTHUR JEFERERSON and JESSIE THOMAS are
11 the grandchildren of Johnny Adams, children of Eliza Adams and
12 nephew and niece of "Saucer" Grayson. At the time of the Riot,
13 Plaintiffs and Plaintiffs mother lived on Jasper Street.
14 Plaintiff's family also owned six or seven rent houses on Jasper
15 Street just off Greenwood Avenue. Everything they owned was
16 burned down by the white mob. The family hid in an old shed
17 behind their homes near an alley and watched through cracks as
18 the white mob set fire to their property. The white mob was
19 heavily armed, shooting everywhere and their uncle, "Saucer"
20 Grayson was shot and killed.

21 159. Plaintiff MARY A. WILSON is an individual
22 residing at Englewood, Colorado. Plaintiff is a descendant of
23 Dan Wilson, Violet Dixon Wilson, and Richard E. Wilson. At the
24 time of the Riot, Dan Wilson, Violet Dixon Wilson, and Richard
25 E. Wilson lived in the Greenwood District of Tulsa. Dan Wilson,
26

1 who came to Tulsa from Kingfisher, Oklahoma, was captured during
2 the Riot and disappeared.

3 160. Plaintiff DOROTHY WILLIAMS BRANLETT is an
4 individual residing in Tulsa, Oklahoma. Plaintiff GRANT
5 WILLIAMS is an individual residing in University City, Missouri.
6 Plaintiffs are grandchildren of Fisher James Williams and Dinah
7 Freeman Williams. At the time of the Riot, Fisher James
8 Williams lived in the Greenwood District of Tulsa, and was
9 injured during the Riot. Plaintiff's father died as a result of
10 his injuries at St. John's Hospital on June 21, 1921.

11 161. Plaintiff GERALDINE PERRYMAN-TEASE is an
12 individual residing in Tulsa, Oklahoma. The plaintiff is the
13 daughter of Addie Perryman-Tease and the niece of Bob Perryman.
14 At the time of the Riot, Addie Perryman-Tease and Bob Perryman
15 lived in the Greenwood District of Tulsa. Bob Perryman was
16 killed during the Riot.

17 162. Plaintiff MILDRED MARIAN HAMEL MILLER is an
18 individual residing in Austin, Texas. Plaintiff LADAWNA MILLER
19 is an individual residing in Austin, Texas. Plaintiffs are the
20 descendants of Tom Swift Hamel and Luvenia Williams. At the
21 time of the Riot, Tom Swift Hamel and Luvenia Williams lived in
22 the Greenwood District of Tulsa.

23 163. Plaintiff PATSY ROBINSON is the granddaughter of
24 Pearl Oliver, the daughter of Montana Wright and the niece of
25 Paris Oliver. At the time of the Riot, Pearl Oliver and Paris
26

1 Oliver lived in the Greenwood District of Tulsa. Plaintiff and
2 her family lived on Greenwood at the time of the Riot.

3 Plaintiff's grandmother suffered an emotional and mental
4 breakdown as a result of the Riot and was never the same.

5 Plaintiff's uncle was harmed in the Riot. Plaintiff's family
6 home was destroyed in the Riot.

7 164. Plaintiff MARGARET THARPE is the daughter of
8 Geraldine Smith Marks, the granddaughter of Omega Smith and the
9 great-granddaughter of Abigail Goodson. At the time of the
10 Riot, Geraldine Smith Marks, Omega Smith and Abigail Goodson
11 lived in the Greenwood District of Tulsa. Plaintiff's uncle
12 disappeared during the Riot and was never heard from again.

13 165. Plaintiff MAXINE JACKSON LACY is the daughter of
14 Ed and Cory Jackson and the granddaughter of Ella Johnson. At
15 the time of the Riot, Ed Jackson, Cory Jackson, and Ella Johnson
16 owned two homes, one on N. Owasso and the other on Easton near
17 Mt. Zion Baptist Church. The house on Easton was completely
18 destroyed in the Riot. Plaintiff's father attempted to escape
19 with his family. Plaintiff's pregnant mother fell down during
20 her escape. Plaintiff's family fled to Claremore, Oklahoma,
21 where they were rescued by their employer, Miller Hamett.
22 Plaintiff's grandmother, Ella Johnson disappeared and was never
23 heard from again.

24 The following plaintiffs are descendants of Riot Survivors
25 whose property was unlawfully taken by Defendants or who were
26

1 unlawfully detained against their will; or who were forced to
2 flee from their homes by the rioting white mob; or who suffered
3 physical or emotional injury during the Riot at the hands of the
4 rioting white mob:

5 166. Plaintiff JOHN HOPE FRANKLIN; Plaintiff RAYMOND
6 PRESLEY; Plaintiff CAESAR LATIMER; Plaintiffs WILLIAM
7 SHAKESPEARE LATIMER; JAYPHEE CLINTON; MAJOR SYLVESTER LATIMER;
8 ELIHU LATIMER; FRED LATIMER, SR.; PATELLA LATIMER PEGUES; THELLA
9 LATIMER; ELLA LATIMER BRADFORD; MAGGIE LATIMER and ALICE
10 LATIMER; Plaintiff CHRISTOPHER ANITA WILLIAMS; Plaintiff JUANITA
11 ALEXANDER HOPKINS; Plaintiff JOHNETTA ADAMS; Plaintiff RHONDA
12 ANDERSON; Plaintiff ROBERT EARL ANDERSON; Plaintiff DIANE
13 ANDERSON STEELE; Plaintiff MARIETTA ANDERSON WAITERS; Plaintiffs
14 RUTH ELLA AUTRY, JAMES AUTRY, OTIS and ELMER AUTRY; Plaintiffs
15 AILEEN JOANNE AUSTIN COBURN and LEONA AUSTIN McCain; Plaintiff
16 RAMONA DINKINS WIMBERLY; Plaintiffs ERLINE CROSSLIN, BILLIE
17 WAYNE RUCKER, J. C. RUCKER, ROBERT C. RUCKER and ROSELLA TURNER;
18 Plaintiff JOHN BAILEY; Plaintiff ROY DAVIS; Plaintiffs A. BANKS,
19 BERNICE BANKS DAVIS and AUDREY BANKS PARSON; Plaintiffs MARY
20 BELL ARRINGTON, R.G. BELL and CATHRYN Bell SNODDY; Plaintiffs
21 LISA PRESLEY and JILL ELIZABETH PRESLEY; Plaintiff JEAN WILLIAMS
22 MCGILL; Plaintiff MATTIE DAVIS OLIVER; Plaintiffs ALLENE
23 KNIGHTEN RAYFORD and JAMES BERNARD KNIGHTEN; Plaintiffs BERNICE
24 LAWLER and LORRAINE MCFARLAND; Plaintiffs THELMA KINLAW GERMANY;
25 Plaintiffs DOROTHY JONES, NANCY MARTIN, CATHERINE MARTIN, JAMES

26

1 PRESTON MARTIN, FELTON MARTIN, LESLIE BEARD; Plaintiffs MARY
2 PRISCILLA PARKER HARRISON and GENIEIVE JACKSON; Plaintiffs DIANA
3 LYNN SHELTON and SHIRLEY SHELTON; Plaintiffs OSCAR BOYD and
4 ALICE BOYD VAUGHN; Plaintiff HELEN SIPUELHUGGINS; Plaintiff
5 LAVADA LOUISE PARKER OSBOURNE; Plaintiffs HOWARD LEROYD DENNIE,
6 LAWRENCE HERMAN DENNIE, ALFREDA O. DENNIE FRANKLIN, NORMAN JEAN
7 DENNIE LESHIE, FRANK EUGENE RODGERS, IDA LOUISE DENNIE WILLIS
8 and EDNA EARLY WORKS; Plaintiff LEONA JERRY BRUNER ANTHONY;
9 Plaintiff NAOMI LAWSON BROWN; Plaintiff EDWARD LAWSON; Plaintiff
10 WILBUR FOSTER; Plaintiff RONALD EARL MOORE; Plaintiff BERNARD
11 CARTER; Plaintiff EDDIE HUE CARTER; Plaintiff ROBERT CARTER,
12 JR.; Plaintiff SAMUEL LEE CARTER; Plaintiff BOBBIE JEAN CARTER
13 TENNYSON; Plaintiff JOHNYE CANNON LAWSON; Plaintiff NATHANIEL
14 CANNON; Plaintiff HENRY CANNON; Plaintiff MILDRED CANNON
15 WALLACE; Plaintiff SARAH CURVAY MAYSHAW; Plaintiff LINDA
16 EDMONDSON GRAVES; Plaintiff NAOMI NASH WILLIAMS WIMBERLY;
17 Plaintiff PATRICIA WILLIAMS; Plaintiff PEGGY ANN MCRUFFIN
18 MITCHELL; AUDELE BEEKS MCLEOD; Plaintiff FELICIA MCLEOD JOHNSON;
19 Plaintiff WALLACE MCLEOD, JR; Plaintiff DELLA SHELTON JACKSON ;
20 Plaintiff JOHNNY SHELTON; Plaintiff FAYE MAY; Plaintiff BETTY
21 ANDERSON; Plaintiff MAIME SHELTON; Plaintiff BILLY SHELTON;
22 Plaintiff MARGARET LEE; Plaintiff EUNA VANN SMITH; Plaintiffs
23 MARIETTA ANDERSON WAITERS; Plaintiff DIANNE ANDERSON STEELE;
24 Plaintiff ROBERT EARL ANDERSON; Plaintiff RHONDA ANDERSON;
25 Plaintiff IRMA THOMAS ANTHONY; Plaintiff LEONTYNE THOMAS
26

1 HARRELL; Plaintiff JERRY FIELDS THOMAS; Plaintiffs OVEID LACY
2 III and ROBERT LACY; Plaintiff NICKOLAS A. BANKS ; Plaintiff
3 BERNICE E. DAVIS ; Plaintiff AUDREY PARSONS; Plaintiff LEROY
4 KIRK, JR.; Plaintiff MAE ETTA REYNOLDS; Plaintiff JOHN W.
5 PATTON; Plaintiff JO ANN EWING; Plaintiff WANDA EWING POPE;
6 Plaintiff ROBERT EWING; Plaintiff BILL EWING; Plaintiff BOBBYE
7 LOUISE GILBERT; Plaintiff FANNIE WILLIAMS; Plaintiff SIMON BERRY
8 JR.; Plaintiff MARGUERITE BAGBY; Plaintiff Maxine JESSIE VADEN;
9 Plaintiff JOYCE RAMSEY; Plaintiff RAYMOND BEARD, SR. ; Plaintiff
10 FLOYD PRICE is an individual residing in Tulsa, Oklahoma.
11 Plaintiff CAROLYN PRICE JOHNSON; Plaintiff MILDRED LOUISE DAVIS
12 SCOTT; Plaintiff THERESA DAVIS SCOTT; Plaintiff FRED DAVIS ;
13 Plaintiff SANDRA JEAN DAVIS LANDRUM; Plaintiff ROSIE LEE
14 JACKSON; Plaintiff FRED SMITH; Plaintiff FANNIE SMITH VERNER;
15 Plaintiff ERMA SMITH THOMPSON; Plaintiff DELORES HARRINGTON;
16 Plaintiff SHIRLEY RIDLEY; Plaintiff PAT MOORE; Plaintiff SHIRLEY
17 TYUS; Plaintiff SELMA LOCKARD; Plaintiff FRANK LOCKARD;
18 Plaintiff JESSIE MAE LOCKARD; Plaintiff EDWARD LOCKARD;
19 Plaintiff ERNEST LOCKARD; Plaintiff OSCAR LOCKARD; Plaintiff
20 CORTEZ LOCKARD; Plaintiff EMMA LOCKARD HORN; Plaintiff PATRICIA
21 WILLIAMS; Plaintiff LORENZO CARLOS VANN; Plaintiff CARRIE M.
22 MCDONALD STROTHER; Plaintiff JIMMIE WICKAM; Plaintiffs FRANK
23 WALKER, SR.; Plaintiff RILEY WALKER, JR; Plaintiff DANIEL WALKER
24 BITSON, JR., Plaintiff KEITH HAMILTON; Plaintiffs EDWINA WALKER
25 CARR; Plaintiff MARCIA WALKER POCKETT; Plaintiff WILLIAM D.

26

1 WALKER; Plaintiff OLENE WALKER WASHINGTON; Plaintiff JEANETTE
2 HAWKINS; Plaintiff OLANDER HAWKINS; Plaintiff STARLA HAWKINS;
3 Plaintiff CHARLOTTE WILLIAMS; Plaintiff NAOMI LAWSON BROWN ;
4 Plaintiff EDWARD LAWSON; Plaintiff MARCUS LAWSON; Plaintiff
5 MARGARET ANN LAWSON; PALMER LAWSON, JR; Plaintiff WILBUR FOSTER
6 and Plaintiff RONALD MOORE; Plaintiff BERNARD CARTER; Plaintiff
7 EDDIE CARTER; ROBERT CARTER, JR,; SAMUEL LEE CARTER; BOBBIE
8 JEAN CARTER TENNYSON; Plaintiff TERRY NASH; AUDREY TAYLOR and
9 BYRON TAYLOR; Plaintiff MILDRED MARIAN HAMEL MILLER; Plaintiff
10 LADAWNA MILLER; Plaintiff PATSY ROBINSON; Plaintiff MARGARET
11 THARP; Plaintiff MAXINE JACKSON LACY; Plaintiff RAYMOND PRESLEY.

12

13 B. Defendants

14 167. Defendant THE GOVERNOR OF THE STATE OF OKLAHOMA
15 is an individual living in the State of Oklahoma, and is sued in
16 his official capacity.

17 168. Defendant THE CITY OF TULSA is a municipality
18 located in the State of Oklahoma.

19 169. Defendant THE CHIEF OF POLICE OF THE CITY OF
20 TULSA is an individual living in the State of Oklahoma, and is
21 sued in his official capacity.

22 170. Defendant THE CITY OF TULSA POLICE DEPARTMENT is
23 an entity located in the State of Oklahoma.

24 171. Plaintiffs are unaware of the true names and
25 capacities of Defendants DOES 1 through 100, inclusive, and
26

1 accordingly sue said Defendants by such fictitious names. As
2 soon as Plaintiffs learn the true names and capacities of
3 Defendants DOES 1 through 100, inclusive, it will amend this
4 Complaint accordingly. Plaintiffs are informed and believe and
5 therefore allege that Defendants DOES 1 through 100, inclusive,
6 are in some way responsible for the acts and obligations sued
7 upon herein. "THE GOVERNOR OF THE STATE OF OKLAHOMA," "THE CITY
8 OF TULSA," "THE CHIEF OF POLICE," "THE CITY OF TULSA POLICE
9 DEPARTMENT," and DOES 1 through 100, inclusive, shall be
10 referred to collectively herein as "Defendants."

11
12 FACTUAL BACKGROUND³⁶

13
14 A. Greenwood, 1921

15 172. Plaintiffs incorporate by reference paragraphs 1-
16 91.

17 173. The widespread atmosphere of racial hostility in
18 Oklahoma in the years preceding the riots was exacerbated by
19 Tulsa whites' anger at the prosperity of the Greenwood
20 District.³⁷

21 _____
22 36. The factual references in the factual background are taken
23 from the Commission Report and the documents published along
24 with it; Scott Ellsworth, Death in a Promised Land: The Tulsa
Race Riot of 1921 (1982); Alfred Brophy, Reconstructing the
Dreamland (2002); and the recollection of various Survivors of
the Riot.

25 37. See Scott Ellsworth, Death in a Promised Land: The Tulsa

1 174. In the spring of 1921, Greenwood, the African
2 American section of Tulsa, was one of the most vibrant African
3 American communities in America. About 8,000 people lived in the
4 largely self-sufficient community.³⁸

5 175. Greenwood's professional class had become so
6 prosperous by 1921, that the streets on which it conducted its
7 business were collectively known nationally as the "Negro Wall
8 Street."³⁹

9 176. Running north out of the downtown commercial
10 district—and shaped, more or less, like an elongated jigsaw
11 puzzle piece—Greenwood was bordered by the Frisco railroad yards
12 to the south, by Lansing Street and the Midland Valley tracks to
13 the east, and by Stand Pipe and Sunset Hills to the west.⁴⁰

14 177. The southern end of Greenwood Avenue, including
15 the adjacent side streets, was the home of the African American
16 commercial district. This several block stretch of handsome
17 one, two, and three-story red brick buildings housed dozens of
18 African American-owned and -operated businesses, including
19 grocery stores and meat markets, clothing and dry good stores,
20 billiard halls, beauty parlors and barber shops, as well as a
21

22 Race Riot of 1921 (1982).

23 38. Alfred Brophy, Reconstructing the Dreamland : The Tulsa Riot
24 of 1921 (2002).

24 39. Scott Ellsworth, Death in a Promised Land: The Tulsa Race
25 Riot of 1921 22 (1982).

25 40. Dr. Scott Ellsworth, The Tulsa Race Riot, published with the
26

1 drug store, a jewelry store, an upholstery shop, and a
2 photography studio.

3 178. Greenwood's economy was diverse, consisting of
4 business persons and professionals as well as skilled and semi-
5 skilled workers. Because of racial segregation, these businesses
6 served primarily African Americans. It is estimated that
7 Greenwood had 33 professionals, including 2 dentists, 4
8 druggists, 1 jeweler, 3 lawyers, 2 photographers, 10 physicians,
9 and 6 real estate/insurance agents. It is estimated that by
10 1921 Greenwood boasted 108 business establishments, which
11 included 9 billiard halls, 2 retail stores, 4 confectioneries, 1
12 feed and grain store, 11 boarding houses, 2 garages, 41
13 groceries, 5 hotels, 30 restaurants, 2 movie theaters, and 1
14 undertaker's parlor. Greenwood's economy also consisted of an
15 estimated 24 skilled crafts persons, including 5 builders, 2
16 dressmakers, 1 plumber, 1 printer, 4 shoemakers, 10 tailors, and
17 1 upholsterer, plus an estimated 26 low-skilled workers, with 12
18 barbers, 5 cleaners, 3 hairdressers, and 6 shoeshiners.

19 179. There were two African American newspapers: the
20 Tulsa Star and the Oklahoma Sun. Moreover, Greenwood was also
21 home to a local business league, various fraternal orders, a
22 Y.M.C.A. branch, and a number of women's clubs.⁴¹

23
24 Commission Report, 37, 40 (2001).

25 41. Dr. Scott Ellsworth, The Tulsa Race Riot, published with the
26 Commission Report, 37, 39 (2001).

1 180. On a per capita basis, there were more churches
2 in Greenwood than there were in the city's white community as
3 well as a number of Bible study groups, Christian youth
4 organizations, and chapters of national religious societies. All
5 told, there were more than a dozen African American churches in
6 Tulsa at the time of the riot, including First Baptist, Vernon
7 A.M.E., Brown's Chapel, Morning Star, Bethel Seventh Day
8 Adventist, and Paradise Baptist, as well as Church of God,
9 Nazarene, and Church of God in Christ congregations. Mount Zion
10 Baptist Church was dedicated on April 10, 1921—less than eight
11 weeks before the riot.

12 181. Greenwood was also home to other highly
13 successful business entrepreneurs, including two hotels: the
14 Gurley Hotel and the Stradford Hotel. The Stradford was a modern
15 fifty-four room structure, one of the largest African American-
16 owned businesses in Oklahoma.

17 182. Most of the African American-owned businesses in
18 Tulsa were much more modest. Scattered about the district were
19 numerous small stores, from two-seater barbershops to family-run
20 grocery stores, that helped to make pre-riot Greenwood, on a per
21 capita basis, one of the most business-laden African American
22 communities in the country.

23
24 B. Prelude to the Riot
25
26

1 183. In the early evening of May 31, 1921, a crowd of
2 whites began gathering at the Tulsa County Courthouse, drawn
3 there in part because of a newspaper story suggesting that a
4 nineteen year-old African American youth, Dick Rowland, had
5 assaulted a white elevator operator, seventeen-year-old Sarah
6 Page.

7 184. Sometime around 4:00 to 5:00 p.m., and certainly
8 by 6:30 p.m., rumors circulated in the Greenwood community that
9 Dick Rowland would be lynched that evening.

10 185. The previous August, a mob had taken a man out of
11 the cell where Rowland was being held, and lynched him. Twenty-
12 three African Americans had been lynched in the previous decade.

13 186. Two prominent African Americans came to the
14 Courthouse to investigate the rumored lynching.

15 187. Sometime after 6:30 p.m., other African Americans
16 began to gather at the Courthouse. By about 7:00 p.m. there
17 were perhaps about 800 people of both races at the Courthouse
18 and tensions were running high. Some white people were yelling
19 to "Get these niggers away from here."

20 188. About this time, a number of whites went to the
21 National Guard armory seeking arms. At the same time, several
22 carloads of armed African Americans headed towards the
23 Courthouse to protect Dick Rowland from the gathering white mob.

24 189. According to J.B. Stradford, an African American
25 businessman, Sheriff McCulloch stated that he could "handle" the
26

1 crowd and that he did not require assistance from the African
2 American residents of the town. He did not turn away, however,
3 a growing number of white men who continued to mob the
4 Courthouse, many of them having returned drunk from the armory.

5 190. A white man then made a speech in front of the
6 Courthouse and advised the crowd to go home, stating that
7 African Americans were riding around with high-powered revolvers
8 and guns downtown. The speech had some effect and the crowd
9 started to disperse.

10 191. At the Courthouse, a white man confronted some of
11 the African American men and began disarming them. One man
12 refused to give up his gun to the white man. The white man
13 asked, "Nigger, where you goin' with that gun?" A struggle
14 resulted, the gun went off, police officers and white men
15 started firing on the African Americans, an African American man
16 was killed, and the riot started.⁴² Sheriff McCullough testified
17 that when the shot was fired, "that was just like throwing a
18 match in the powder can."⁴³ The street cleared quickly.

19 _____
20 42. See Scott Ellsworth, Death in a Promised Land: The Tulsa
21 Race Riot of 1921 (1982). See also Guardsmen With Machine Guns
22 Ready for Any Emergency, St. Louis Post-Dispatch 2 (June 1,
23 1921) ("One version of the beginning of the trouble says the
24 first firing came shortly after dark, when a negro was stopped
by an officer and his gun taken away. He attempted to resist,
according to the officer, and was shot dead. Three hours later
his body was picked up from the street and taken to Police
Headquarters, which was used as a temporary morgue.").

25 43. Stradford v. American Central Ins. Co., Superior Court of
26 Cook County, Illinois, No. 370,274 (1921), McCullough Deposition

C. The Riot Starts: All Hell Breaks Loose

192. According to O.W. Gurley, a prominent African American businessman, at that point "all hell broke loose."

193. As the streets cleared, the African American victim of the shooting lay in front of the Courthouse. Walter White, associate secretary of the NAACP, who came to Tulsa immediately after the riot to investigate it, reported that the African American victim lay dying, under a billboard with a picture of Mary Pickford, America's sweetheart, smiling winsomely.⁴⁴

194. Almost immediately, members of the white mob opened fire on the African American men, who defended themselves by firing back. Outnumbered more than twenty to one, the African American men fought a retreat towards the Greenwood District.

195. With armed whites in close pursuit, the African American men came under heavy gunfire along Fourth Street, two blocks north of the Courthouse.

196. A short while later, a second, deadlier, skirmish broke out at the corner of Second and Cincinnati Streets. A

at 19.

44. See F.W. Prentice, Oklahoma Race Riot, 90 Scribner's 151, 152 (August 1931).

1 second contingent of African American men came under fire from
2 the rioting white mob and had to fight for their lives.

3 197. Heavily outnumbered by the whites, and suffering
4 casualties, most of the African Americans were able, however, to
5 make it safely across the Frisco railroad tracks and into
6 Greenwood.

7 198. By 10:00 p.m. the police station was filled with
8 a mob of armed whites. Groups of these white men left the
9 police station in squads and returned sometime later.

10 199. The white Police Chief John A. Gustafson,
11 deputized between 250 and 500 white men. The police issued guns
12 to the newly deputized white citizens of Tulsa to put down what
13 they referred to as a "Negro uprising." But the police failed
14 to even record the names of the people to whom they gave the
15 guns. After the riot, Police Chief Gustafson pleaded in the
16 pages of a white Tulsa newspaper for the return of guns, stating
17 they were issued with the understanding that they would be
18 returned when the need for them passed.

19 200. The police department ordered commandeered the
20 gun shops and the pawnshops and issued guns to the newly
21 deputized white mob that then made its way towards Greenwood.
22 The police department also ordered deputies and non-deputies
23 alike to "go home, get a gun, and get a nigger."⁴⁵

24 _____
25 45. Dr. Scott Ellsworth, The Tulsa Race Riot, published with the
26 _____

1 201. Local officials sought the assistance of the
2 State National Guard.

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

7 203. Binkley Wright, who was seventeen at the time of
8 the riot, was an eyewitness to the events.

9 204. According to one Survivor, Binkley Wright,
10 African Americans formed a "protective brigade" at Mt. Zion
11 Baptist Church, helping to fight off the rioting white mob,
12 which included newly deputized members of the police department,
13 entering Greenwood.

14 205. Binkley Wright saw many African Americans killed
15 when the white mob, including newly deputized members of the
16 police department and men in military uniform, broke through and
17 heavily attacked the Church.

18 206. Throughout the night of May 31, 1921 to June 1,
19 1921, the white mob, including men newly deputized by the police
20 department, came across the Frisco railroad into Greenwood.
21 Although outnumbered, the African American residents fought to
22 keep them out, but the whites forced their way into Greenwood,

23

24

25 Commission Report, 37, 64 (2001).

26

1 shooting, wounding, and killing many African Americans, and
2 burning down everything in their path.

3 207. State National Guardsmen fired upon a number of
4 African American Greenwood residents in the process of
5 responding to the "Negro uprising." Some time after 11:00 p.m.,
6 twenty Guardsmen arrived at the police station, where they had
7 set up headquarters. They guarded the border between white
8 Tulsa and the African American Greenwood District for several
9 hours.

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

14 209. Between the hours of 1:00 a.m. and 2:00 a.m.,
15 J.B.A. Robertson, the Governor of Oklahoma, declared martial law
16 throughout Tulsa County, and ordered the troops to suppress the
17 "Negro Uprising."⁴⁶

18 210. The Guard, which had been instructed by the State
19 to restore order, on some occasions joined the rioters instead,
20 acting "like wild men."⁴⁷

21 211. At 1:15 a.m. some white Guardsmen placed a
22 machine gun on a truck, along with three experienced white
23 machine gunners and six other white enlisted men. They traveled

24
25 46. Id. at 12-13.

1 around the city putting down African American efforts to defend
2 themselves from the white mob. At 3:00 a.m., Guardsmen were
3 ordered to Stand Pipe Hill. Their commander deployed the
4 Guardsmen along Detroit Avenue, from Stand Pipe Hill to Archer
5 Street, on the west side of Greenwood. They began a bridgehead
6 into Greenwood, using a truck with a machine gun mounted upon
7 it, and entered the town, disarming and placing African American
8 men in "protective custody" and sending them to the Convention
9 Hall by police cars and trucks.

10 212. African Americans at Paradise Baptist Church told
11 one survivor, Binkley Wright, that the mayor of the CITY OF
12 TULSA had opened the Armory and given two machine guns to whites
13 and that whites "were using those machine guns to mow down our
14 people."⁴⁸

15 213. Binkley Wright was then asked by some of the
16 African American men to aid in the defense of Greenwood, loading
17 and reloading guns behind the steps of Paradise Baptist Church
18 for the human chain of African American defenders.

19 214. Later, these African Americans moved on to Stand
20 Pipe Hill to defend the people of North Tulsa who were under
21 attack. Led by "Peg-Leg" Taylor, these African Americans met
22 and "conferenced" behind the steps of Paradise Baptist Church.

23
24 47. Prologue to Commission Report at viii.

25 48. Testimony of Binkley Wright published by the Tulsa
26 Reparations Coalition on their web page at

1 Then they made a human chain and went up the hill to defend
2 African Americans from the white mob.

3 215. The white mob, including recently deputized
4 members of the police department and uniformed members of the
5 National Guard, were firing machine guns.

6 216. This white mob, containing newly deputized
7 members of the police department, and Guardsmen outnumbered and
8 shot the African American men stationed at Paradise Baptist
9 Church.

10 217. Plaintiff KINNY BOOKER witnessed bullets raining
11 down upon him, either from an airplane or Stand Pipe Hill, while
12 he hid in the upper floors of his home.

13 218. On June 1, 1921, there were only two planes in
14 Tulsa. One was a government-owned plane. The government may
15 have commandeered other planes.⁴⁹

16 219. At Sunset Hill, located on the northwest side of
17 Greenwood, the Guardsmen advanced on the African Americans
18 living there and fired at will for nearly half an hour. Before
19 advancing on Greenwood, they shot the African American men,
20 women, and children who hid behind barricades to defend their
21 homes. The guardsmen also attacked African Americans barricaded
22 in a concrete store in the northeast corner of Greenwood. The

23
24 <http://www.tulsareparations.org/>.

25 49. Richard Warner, Airplanes and the Riot, published with the
26 Commission Report, 103, 104 (2001).

1 Guardsmen fought along side white civilians, including those who
2 had been newly deputized by the police department, killing
3 African Americans.

4 220. At some point during the Riot, the Chief of
5 Police informed a prominent African American businessman that if
6 the African American residents ceased their resistance to the
7 white mob, they would be "treated fairly" the next day.

8 221. As soon as the African American residents stopped
9 defending themselves, however, the Chief of Police contacted
10 nearby cities and towns for reinforcements. By 9:00 a.m. the
11 next day, Guardsmen had arrived from Muskogee, Oklahoma City,
12 and Wagoner.⁵⁰

13 222. At 5:00 a.m., in the morning of June 1, 1921, a
14 whistle blew as a signal to the white mob, containing
15 individuals newly deputized by the police department, and the
16 National Guard, to enter Greenwood.

17 223. The Guardsmen worked in close conjunction with
18 the Tulsa police. The police and Guardsmen placed a large number
19 of Greenwood residents in "protective custody", a euphemism for
20 illegal imprisonment, and turned them over to the police cars
21 that stood close by.

22
23
24 50. See 85 Whites and Negroes Die in Tulsa Riots as 3,000 Armed
25 Men Battle in Streets, 30 Blocks Burned, Military Rule in City,
26 N.Y. Times, June 2, 1921, at 2.

1 224. Defendants instructed the Guard to take the
2 African American residents of Greenwood into "protective
3 custody."⁵¹ The majority of the city's African American men,
4 women, and children had either fled to the countryside or were
5 to be held — allegedly for their own protection — against their
6 will in one of a handful of hastily set-up internment centers,
7 including Convention Hall, the Fairgrounds, and McNulty Baseball
8 Park.

9 225. Plaintiff KINNY BOOKER was removed from his home
10 some time after martial law was declared. Even though Plaintiff
11 KINNY BOOKER and his sister and three brothers hid in the attic,
12 and despite the pleas of his father, the rioting white mob set
13 his home on fire. His family was able to get out without injury
14 despite coming under small arms fire.

15 226. Plaintiff KINNY BOOKER's family was transported
16 by the National Guard to Convention Hall.

17 227. As the Guardsmen were advancing, the white mob
18 accompanying them, and including individuals newly deputized by
19 the white police department, set fires all over Greenwood. As
20 the Guardsmen swept through Greenwood disarming and placing the
21 residents in "protective custody," the white mob followed
22 closely after setting fire to the buildings.

23
24
25 51. See Scott Ellsworth, Death in a Promised Land: The Tulsa
Race Riot of 1921 61 (1982).

1 228. Brigadier General Charles F. Barrett, who was in
2 charge of the National Guard brigade, stated that, on the
3 morning of June 1, 1921, he witnessed a rioting white mob of
4 15,000 to 20,000 in Greenwood, which was by now on fire. The
5 National Guard marched through the crowded streets. Trucks
6 loaded with scared and partially clothed African American men,
7 women, and children were parading the streets under heavily
8 armed guards.

9 229. "Personal belongings and household goods had been
10 removed from many homes and piled in the streets. On the steps
11 of the few houses that remained sat feeble and gray Negro men
12 and women and occasionally a small child. The look in their
13 eyes was one of dejection and supplication. Judging from their
14 attitude, it was not of material consequence to them whether
15 they lived or died. Harmless themselves, they apparently could
16 not conceive the brutality and fiendishness of men who would
17 deliberately set fire to the homes of their friends and
18 neighbors and just as deliberately shoot them down in their
19 tracks."⁵²

20 230. Brigadier General Barrett wrote that "In all my
21 experience, I have never witnessed such scenes that prevailed in
22 this city when I arrived at the height of the rioting — 25,000
23

24
25 52. Tulsa Daily World, June 2, 1921 (cited in Prologue to
26 Commission Report at iv).

1 whites, armed to the teeth were ranging the city in utter and
2 ruthless defiance of every concept of law and righteousness.
3 Motorcars bristling with guns swept through your city, their
4 occupants firing at will."⁵³

5 231. Maurice Willows, the Director of the local Red
6 Cross, stated that "all that fire, rifles, revolvers, machine
7 guns, and inhuman bestiality could be done with 35 city blocks
8 with its 10,000 Negro population, was done."⁵⁴

9 232. The Guardsmen facilitated the destruction of
10 Greenwood. They removed African American residents against
11 their will. Many of these residents believed that, if the
12 Guardsmen would only help them, they were capable of defending
13 themselves and their property from the depredations of the white
14 mob, which included individuals newly deputized by the police
15 department. Instead, the Guard worked at the Defendants'
16 direction to place African American Greenwood residents in
17 "protective custody" instead of protecting Greenwood property.

18 233. All firing had ceased by 11:00 a.m., not because
19 the Guard had succeeded in bringing the white rioters under
20 control but rather because the African American Greenwood
21 residents had been killed, placed in "protective custody," or

22

23

24 53. Charles F. Barrett, Oklahoma After Fifty Years: A History of
25 the Sooner State and Its People, 1889-1939 (1941).

26 54. Id.

1 driven out.⁵⁵ Even after the Riot ceased, the newly deputized
2 white citizens were told that they were to "go out and shoot any
3 nigger you see and the law'll be behind you."⁵⁶

4 234. As many as 300 African Americans were killed.⁵⁷

5 235. Forty-two square blocks of property was laid
6 waste in ashes and 8,000-10,000 African Americans were rendered
7 homeless.⁵⁸

8 236. Defendant the CITY OF TULSA held many of the
9 African American men, women, and children in custody against
10 their will for days after the riots. The police and National
11 Guard were used as guards in the various camps to ensure the
12 African Americans remained in custody. The STATE OF OKLAHOMA
13 and the CITY OF TULSA forced African Americans to work their way
14 out of custody by cleaning up the destruction caused by the
15 white rioters. At some time on June 2, General Barrett issued
16 Field Order Number 4, which decreed that "all able bodied
17 [N]egro men remaining in detention camp at the Fairgrounds and
18 other places in the City of Tulsa [would] be required to render
19 such service and perform such labor as [was] required by the
20 military commission."⁵⁹ The African American Greenwood residents

21 _____
22 55. Alfred Brophy, Reconstructing the Dreamland : The Tulsa Riot
23 of 1921 (2002).

24 56. R. Halliburton, Jr., The Tulsa Race War of 1921 10 (1975).

25 57. Commission Report at 12-13.

26 58. Charles F. Barrett, Oklahoma After Fifty Years: A History of
the Sooner State and Its People, 1889-1939 (1941).

59. Gerald Jerome Smith, Note: Constitutionality Of States' Use

1 were treated like chattel and, in treatment reminiscent of
2 slavery, were often only released when their white employer
3 vouched for them. Those released wore green tags to identify
4 that they had been properly released from custody.

5
6 D. Defendants' Policy and Custom
7 of Racial Discrimination

8 237. The Defendants engaged in a longstanding and
9 official policy, practice, custom, habit and usage to deny
10 African Americans their equal rights under the law. This was
11 done in numerous ways, described below.

12 238. Defendants permitted Plaintiffs to be physically
13 attacked — even participating in some of the attacks —
14 resulting in bodily injury, death and destruction and theft of
15 property. Defendants, with deliberate indifference and on the
16 basis of race, failed to protect Plaintiffs from repeated
17 criminal acts, failed to equally enforce the laws and branded
18 Plaintiffs with the racial badges of inferiority and slavery in
19 the form of racially motivated violence. Defendants' failure to
20 prevent or aid in preventing the commission of racial crimes
21 exacerbated the riot and led to further wrongs against
22 Plaintiffs. Defendants failed to adequately train and supervise

23
24 Of Police And Military Force to Arrest, Detain, And Confine
25 American Citizens Because Of Race, 27 Okla. City U. L. Rev. 451

1 those persons it deputized and those persons to whom it issued
2 ammunition during the riot. Defendants failed to meaningfully
3 investigate and act upon complaints filed by Plaintiffs on the
4 basis of race. Defendants routinely under-investigated, under-
5 responded, undercharged, mishandled and failed to protect
6 Plaintiffs from a series of criminal acts or prosecute those
7 responsible for such acts. Defendants abdicated their
8 responsibility to investigate, develop and charge white citizens
9 with crimes against Plaintiffs, thereby ratifying and jointly
10 participating in racially motivated acts to deprive Plaintiffs
11 of their constitutional and statutory rights. Defendants made
12 decisions on a racially discriminatory basis. Defendants failed
13 to make restitution and reparations it promised Plaintiffs.

14 239. All of Defendants' actions and inaction, as
15 alleged in the Complaint, were pursuant to Defendants' policy,
16 custom, habit, usage and pattern and practice of unequal
17 enforcement of the law depriving Plaintiffs of their Fourteenth
18 Amendment constitutional rights and statutory rights.
19 Defendants did not treat white citizens in the same or similar
20 manner to Plaintiffs.

21 240. As a direct and proximate result of Defendants'
22 unconstitutional and illegal racially motivated actions,
23 Plaintiffs have suffered the loss of their property, physical
24

25 454-55 (2002).

26

1 injury, and emotional distress from witnessing the murder and
2 injury of their family members.

3

4 E. Findings of The Oklahoma Commission to
5 Study the Tulsa Race Riot of 1921

6 241. The 1921 Tulsa Race Riot Commission was created
7 pursuant to House Joint Resolution No. 1035. The statute, as
8 amended, charged the commission to:

9 "undertake a study to develop a historical record of
10 the 1921 Tulsa Race Riot including the identification
of persons who:

- 11 1. Can provide adequate proof to the Commission that
12 the person was an actual resident of the
13 Greenwood area or community of the City of Tulsa
on or about May 31, 1921, or June 1, 1921; or
- 14 2. Can demonstrate to the satisfaction of the
15 members of the Commission that the person
16 sustained an identifiable loss to their person,
17 personal relations, real property, personal
18 property or other loss as a result of tortious or
19 criminal conduct, whether or not the conduct was
ever adjudicated, occurring during the period
beginning on or about May 31, 1921, and ending
not later than June 30, 1921, resulting from the
activity commonly described as the 1921 Tulsa
Race Riot."⁶⁰

20 242. The Statute also required that the Commission
21 produce, by February 28, 2001, "a final report of its findings
22 and recommendations" and to submit that report "in writing to
23 the Governor, the Speaker of the House of Representatives, the
24 _____

25 60. 74 Okl. St. Ann. §8201 (West 2000).

26

1 President Pro Tempore of the Senate, and the Mayor and each
2 member of the City Council of the City of Tulsa, Oklahoma."

3 243. Most importantly, under the terms of the statute:

4 "The Report may contain specific recommendations
5 regarding whether or not reparations can or should be
6 made and the appropriate methods to achieve the
7 recommendations made in the final report."⁶¹

8 244. After four years of intense study, the Commission
9 generated a comprehensive study that examined more than 20,000
10 pages on the Tulsa Race Riot.⁶² The final Commission Report did
11 contain a recommendation that reparations should be made and
12 detailed the manner in which Defendants the GOVERNOR OF THE
13 STATE OF OKLAHOMA and the CITY OF TULSA make reparations.⁶³

14 245. A number of documents were attached to the
15 Commission Report and providing support for each of the
16 Commission's findings concerning the causes and consequences of
17 the Riot, the Defendants' participation in and responsibility
18 for the riot, and Defendants the GOVERNOR OF THE STATE OF
19 OKLAHOMA's and the CITY OF TULSA's moral and legal liability to
20 pay restitution to the African American survivors of the Riot
21 and their descendants.

22
23
24 61. Id. (emphasis added).

25 62. Id. at 8.

26 63. Commission Report at 20: "Reparations are the right thing to do."

1 246. The findings were published in the Commission
2 Report and incorporated by statute.⁶⁴

3 247. The findings include determinations that: the
4 "root causes" of the Riot stemmed from a history racism and
5 violence in both Tulsa and Oklahoma;⁶⁵ the action or inaction of
6 "local municipal and county officials" enabled a white mob, that
7 included state and local officials, to kill 100-300 African
8 Americans, loot and burn 1,256 African American residences and
9 businesses in Greenwood;⁶⁶ and that the property lost should be
10 valued at "approximately \$2 million in 1921 dollars or
11 \$16,752,600 in 1999 dollars."⁶⁷ The Oklahoma State Legislature
12 further concluded that there had been no convictions or payments
13 of any kind to the African American victims of the Riot, and
14 that "local officials attempted to block the rebuilding of the
15 Greenwood";⁶⁸ and that the Defendants ignored their "moral
16 responsibilities at the time of the riot [and have continued to
17 do so] ever since rather than confront the realities of an
18 Oklahoma history of race relations that allowed one race to 'put
19 down' another race."⁶⁹

20
21
22
23 64. See 74 Okl. St. Ann. §8000.1 (West 2002).

24 65. 74 Okl. St. Ann. §8000.1.1 (West 2002).

25 66. Id. at §8000.1.2.

26 67. Id. at §8000.1.3.

68. Id.

69. Id. at §8000.1.6.

1 248 The Commission Report, which was endorsed by the
2 State of Oklahoma's legislature, made the following additional
3 findings and recommendations:

- 4 a. "As hostile groups gathered and their
5 confrontation worsened, municipal and county
6 authorities failed to take actions to calm or
7 contain the situation."⁷⁰
8 b. "At the eruption of violence, civil officials
9 selected many men, all of them white and some
10 of them participants in that violence, and made
11 those men their agents as deputies."⁷¹
12 c. "In that capacity, deputies did not stem the
13 violence but added to it, often through overt
14 acts themselves illegal."⁷²
15 d. "Public officials provided firearms and
16 ammunition to individuals, again all of them
17 white."⁷³
18 e. "Units of the Oklahoma National Guard
19 participated in the mass arrests of all or
20 nearly all of Greenwood's residents, removed
21

22
23 70. Commission Report at 11.

24 71. Id.

25 72. Id.

26 73. Id.

1 them to other parts of the city, and detained
2 them in holding centers."⁷⁴

3 f. "Entering the Greenwood District, [White]
4 people stole, damaged or destroyed personal
5 property left behind in homes and businesses."⁷⁵

6 g. "[White p]eople, some of them agents of
7 government, also deliberately burned or
8 otherwise destroyed homes credibly estimated to
9 have numbered 1,256, along with virtually every
10 other structure—including churches, schools,
11 businesses, even a hospital and library—in the
12 Greenwood district."⁷⁶

13 h. "Despite duties to preserve order and to
14 protect property, no government at any level
15 offered adequate resistance, if any at all, to
16 what amounted to the destruction of the
17 neighborhood referred to commonly as 'Little
18 Africa' and politely as the 'Negro quarter.'"⁷⁷

23
24 74. Id. at 12.

25 75. Id.

26 76. Id.

77. Id.

1 i. "[C]redible evidence makes it probable that
2 many people, likely numbering between one and
3 three hundred, were killed during the riot."⁷⁸

4 j. "Not one of these criminal acts was then or
5 ever has been prosecuted or punished by
6 government at any level, municipal, county,
7 state, or federal."⁷⁹

8 k. "Even after the restoration of order it was
9 official policy to release a African American
10 detainee only upon the application of a white
11 person, and then only if that white person
12 agreed to accept responsibility for that
13 detainee's subsequent behavior."⁸⁰

14 l. "[N]either [city and county government]
15 contributed substantially to Greenwood's
16 rebuilding; in fact, municipal authorities
17 acted initially to impede rebuilding."⁸¹

18 m. "In the end, the restoration of Greenwood after
19 its systematic destruction was left to the
20 victims of that destruction."⁸²

22 78. Id. at 13.

23 79. Id.

24 80. Id.

25 81. Id. at 14.

26 82. Larry O'Dell, Riot Property Loss, published with the
Commission Report, 143, 149 (2001).

1 249. According to the Report of the Oklahoma
2 Commission to Study the Tulsa Race Riot of 1921, an accurate
3 assessment of the value of the property destroyed by the rioters
4 totals at least \$16,752,600 in 1999 dollars.⁸³

5
6 F. Statute of Limitations Should Be
7 Equitably Tolled and Waived

8 250. Because of the work of the Commission, there
9 exists today a tremendous amount of information that was not
10 available in 1921 about the Tulsa Riot, Defendants the GOVERNOR
11 OF THE STATE OF OKLAHOMA's and the CITY OF TULSA's culpability,
12 and the implications of such culpability on the legal redress
13 available to the Plaintiffs. Defendants the GOVERNOR OF THE
14 STATE OF OKLAHOMA and the CITY OF TULSA acted, both in 1921 and
15 subsequently, to hide evidence of their culpability and to
16 prevent African American victims of the Riot and their
17 descendants from bringing suit against Defendants. Furthermore,
18 the State of Oklahoma, in its statute creating the Commission,
19 waived the statute of limitations as an affirmative defense.
20 Thus, the applicable statute of limitations is subject to

21
22
23 83. Scholarly studies of the race riot are in
24 substantial agreement with the Commission's assessment. See,
25 e.g., Alfred Brophy, Reconstructing the Dreamland : The Tulsa
26 Riot of 1921 (2002); Roy L. Brooks, Integration or Separation?
(1996), Ch. 17; Randall Kennedy, Foreword in Alfred Brophy,
Reconstructing the Dreamland : The Tulsa Riot of 1921 (2002).

1 equitable tolling or, in the alternative, to waiver, implicitly
2 or explicitly, by the State of Oklahoma.

3 251. The State of Oklahoma and its agents acting in
4 their official capacities and the CITY OF TULSA have
5 misrepresented and concealed information about their role in the
6 Tulsa race riot. Defendants have knowingly perpetuated
7 confusion and misinformation or failed to provide information
8 about the factual circumstances underlying the riot. As a
9 result of Defendants' fraudulent concealment, Plaintiffs have
10 been unable, even with reasonable diligence, to discover the
11 underlying facts and evidence to successfully bring a cause of
12 action. Consequently, Defendants are precluded by their own
13 acts and omissions from asserting the statute of limitations as
14 a defense. Under the doctrine of unclean hands, Defendants are
15 estopped from claiming this affirmative defense.

16 252. The State of Oklahoma created the Commission in
17 large part precisely to discover hidden or suppressed facts
18 surrounding the Riot that could not otherwise have been
19 discovered by Plaintiffs. The Commission Report revealed
20 information never before made available to the public. The
21 Commission described the Commission Report as a "tower of new
22 knowledge" that enabled "visions never seen before."⁸⁴
23 Specifically, the Commission stated that the Commission Report:

24 _____
25 84. Commission Report at 8.

26

1 "[i]ncluded . . . records and papers long presumed
2 lost, if their existence had been known at all. Some
3 were official documents, pulled together and packed
4 away, years earlier. Uncovered and examined, they
5 took the commission back in time, back to the years
6 just before and just after 1921. Some were musty
7 legal records saved from the shredders. Briefs
8 filed, dockets set, lawsuits decided—each opened an
9 avenue into another corner of history. Pages after
10 pages laid [sic] open the city commission's
11 deliberations and decisions as they affected the
12 Greenwood area. Overlooked records from the National
13 Guard offered overlooked perspectives and illuminated
14 them with misplaced correspondence, lost after-action
15 reports, obscure field manuals, and self-typed
16 accounts from men who were on duty at the riot."⁸⁵

17 253. A significant amount of previously unavailable
18 evidence—including long-forgotten documents and photographs—has
19 been discovered.

20 254. Not until now has the story of the Tulsa riot
21 been told fully and truthfully. The Report of the Oklahoma
22 Commission to Study the Tulsa Race Riot of 1921, stated that:
23 "Much of the evidence used in preparing the report was recently
24 discovered":

25 "Before there was this commission, much was known
26 about the Tulsa race riot. More was unknown. It was
buried somewhere, lost somewhere, or somewhere
undiscovered. No longer. Old records have been
reopened, missing files have been recovered, new
sources have been found."⁸⁶

27 85. Id. at 4.

28 86. Id. at 8.

1 255. The Commission Report breaks the "conspiracy of
2 silence" that has existed for over a half century and for the
3 first time "this past tragedy has been extensively aired."⁸⁷

4 "Until recently, the Tulsa race riot has been the most
5 important least known event in the state's entire
6 history. Even the most resourceful of scholars
7 stumbled as they neared it for it was dimly lit by
8 evidence and the evidentiary record faded more with
9 every passing year."⁸⁸

10 256. However, the history of the Riot "may now
11 comprise the most thoroughly documented moments ever to have
12 occurred in Oklahoma."⁸⁹ The Commission itself acknowledged
13 surprise over the amount of "new evidence" and that it
14 "contributed so much."⁹⁰ Even the book Death in a Promised Land;
15 the Tulsa Race Riot of 1921, written by Scott Ellsworth (the
16 acknowledged expert on the Riot) and published in 1982, did not
17 have the evidence ("no one had it") contained in the Commission
18 Report.⁹¹

19 257. Only now do Plaintiffs have sufficient
20 information to state the nature of the causes of action they can
21 bring and against whom. Prior to the Commission's Report, the
22 Defendants concluded that the Tulsa race riot was "something to

23 87. Id.

24 88. Id. at 6.

25 89. Id.

26 90. Id. at 7.

91. Id. at 8.

1 be swept well beneath the history's carpet."⁹² Plaintiffs made
2 repeated requests for information that was denied to them by
3 Defendants the GOVERNOR OF THE STATE OF OKLAHOMA and CITY OF
4 TULSA, which prevented them from being able to pursue legal
5 action. Not until the Commission published its Commission
6 Report were Plaintiffs provided with the information needed to
7 bring suit.

8 258. Thus, Plaintiffs are excused from the time limits
9 on filing, and the statute of limitations should be equitably
10 tolled insofar as much of the information upon which this
11 lawsuit rests was only discovered by the efforts of the Oklahoma
12 Commission to Study the Tulsa Race Riot of 1921.

13 259. Defendants also erected barriers making it
14 extremely difficult, if not impossible, for Plaintiffs to seek
15 legal redress for injuries resulting from the Riot. The
16 atmosphere surrounding Tulsa in the wake of the Riot made
17 conditions potentially deadly for individuals who wanted to seek
18 restitution through the courts. Such barriers included:

19 a. The Grand Jury convened by the State of
20 Oklahoma returned indictments against African
21 Americans for inciting the Riot. Because of the
22 discriminatory manner in which the indictments
23 were returned, African American residents of

24
25 92. 74 Okl. St. Ann. §8000.1.4.

1 Greenwood were prevented or inhibited from
2 filing or continuing lawsuits on behalf of the
3 African American residents of Greenwood. In an
4 absurdly biased grand jury report, which was
5 orchestrated by the Oklahoma attorney general,
6 Tulsa blamed the African American community for
7 the riot, further prejudicing the claims of
8 riot victims in the courts. Tulsa prosecutors
9 threatened to imprison key Greenwood leaders,
10 like A.J. Smitherman, editor of the Tulsa Star,
11 and J.B. Stradford, which caused them to flee
12 Oklahoma. Stradford filed suit in Chicago, but
13 could not adequately prosecute his claim, for
14 fear of imprisonment and bodily harm.

15 Stradford never set foot in Oklahoma again.

16 b. The court system was infected with the Ku Klux
17 Klan, thereby resulting in a racially
18 discriminatory judicial system. In fact, about
19 one year after the Riot, Oklahoma's Governor
20 declared martial law in Tulsa, citing among
21 other reasons the pervasive control of the
22 courts by the Ku Klux Klan.⁹³ According to the
23 Commission Report: "Everyone (on the

24
25 93. Appellee's brief in Sanford v. Markham, 221 P. 36 (Okla.

Commission) agrees that within months of the riot Tulsa's Klan chapter had become one of the nation's largest and most powerful, able to dictate its will with the ballot as well as the whip. Everyone agrees that many of the city's most prominent men were Klansmen in the early 1920's and that some remained Klansmen throughout the decade. Everyone agrees that Tulsa's atmosphere reeked with a Klan-like stench that oozed through the robes of the Hooded Order."

c. The Oklahoma Supreme Court discouraged lawsuits by limiting municipal liability on the basis of territorial common law,⁹⁴ and acknowledging the role that special deputies played in destroying Greenwood but failing to find the CITY OF TULSA responsible for such conduct.⁹⁵

d. The CITY OF TULSA summarily denied the restitution claims of African American residents, while paying those of whites, in

1923).

94. See Alfred L. Brophy, The Tulsa Race Riot in the Oklahoma Supreme Court, 54 Okla. L. Rev. 67 (2001).

95. See Redfearn v. American Central Insurance Co., 221 P. 929 (1926).

1 order to prevent or inhibit the filing or
2 continuance of restitution claims by the
3 African American citizens of Greenwood. In
4 particular, the CITY OF TULSA permitted
5 restitution claims made by white owners of
6 stores who had arms or ammunition looted from
7 their stores. The State of Oklahoma created
8 conditions so adverse to the prosecuting of
9 lawsuits that over 130 complaints filed against
10 insurers, the city, and the state, were
11 prevented from proceeding past the filing
12 stage.

13 e. According to the Commission Report, the state
14 and local governments were instruments of
15 repression used to prevent African Americans
16 from obtaining justice. In fact, after
17 considering a variety of acts of violent
18 repression of African Americans in Oklahoma,
19 Commission concluded that the discussion of the
20 State and City Defendants' culpability in
21 racially motivated attacks on African Americans
22 in the years before, during, and after the Riot
23 could be summed up as follows:

24 "In some government participated in the
25 deed.

1 In some government performed the deed.

2 In none did government prevent the
3 deed.

4 In none did government punish the
5 deed."⁹⁶

6 f. Oklahoma history textbooks published during the
7 1920s did not mention the riot at all--nor did
8 ones published in the 1930s.

9 185. Accordingly, the CITY OF TULSA and the GOVERNOR
10 OF THE STATE OF OKLAHOMA should be equitably estopped from
11 asserting any defense premised upon laches or the tolling of a
12 statute of limitations.

13 186. Alternatively, Defendant the CITY OF TULSA should
14 be equitably estopped from asserting statute of limitation as a
15 defense because it deliberately misled Plaintiffs in 1921,
16 promising that restitution would be made for damages incurred
17 during the Tulsa race riot. Plaintiffs reasonably relied upon
18 Defendants' false statements to their detriment. Defendants
19 knew that such assertions would result in Plaintiffs' reliance
20 and Plaintiffs did in fact reasonably rely on Defendants'
21 assurances by not filing suit for restitution prior to the
22 initiation of this lawsuit.

23
24
25 96. Commission Report at 19.

1 187. Moreover, the CITY OF TULSA in 1921 also waived
2 the statute of limitations as an affirmative defense by its
3 express commitment to provide restitution for riot victims.
4 Specifically, the City stated that a claims commission would
5 compensate the victims of the riot, thereby inducing them not to
6 file suit. In particular, the Tulsa Chamber of Commerce stated
7 that as "quickly as possible rehabilitation will take place and
8 reparation made Tulsa feels intensely humiliated."⁹⁷

9 188. Furthermore, Defendant the GOVERNOR OF THE STATE
10 OF OKLAHOMA resurrected Plaintiffs' claims for restitution in
11 1997 and can not seek harbour behind a statute of limitations
12 defense.

13 189. More specifically, in 1997 and again in 1999, the
14 State Legislature commissioned a report from the Commission,
15 funded the Commission, and charged it with conducting an
16 investigation to determine the causes of the Riot, identify
17 those parties responsible for the Riot and the victims, and to
18 make recommendations regarding reparations and restitution.

19 190. House Joint Resolution 1035 (1997), the statute
20 passed by the Oklahoma legislature and that created the
21
22

23 97. Alfred Brophy, Reconstructing the Dreamland : The Tulsa Riot
24 of 1921 107 (2002); and at n. 85. (In the June 15, 1921 issue
25 of the Nation, the Chair of the Emergency Committee stated that
26 "Tulsa weeps at this unspeakable crime and will make good the
damage, so far as it can be done, to the last penny.").

1 Commission, waives the statute of limitations defense. That
2 statute conceded that:

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

8 and that:

9 "the Greenwood community and the residents who lived
10 and worked there were irrevocably damaged by the
11 tortious and criminal conduct that occurred during the
12 Tulsa Race Riot; . . . and . . . at the time of the 1921
13 riot in the City of Tulsa, the Oklahoma Constitution
14 contained provisions, still effective as law, which
15 provided that: 'All persons have the inherent right
16 to life, liberty, the pursuit of happiness, and the
17 enjoyment of the gains of their own industry.' and
18 further that: 'the courts of justice of the State
19 shall be open to every person, and speedy and certain
20 remedy afforded for every wrong and for every injury
21 to person, property and reputation; and right and
22 justice shall be administered without sale, denial,
23 delay or prejudice.'"

24 191. The Oklahoma State Legislature empowered the
25 Commission to redress these wrongs, and in so doing waived any
26 limitations defense the State may mount.

192. Furthermore, the Oklahoma State Legislature, in
adopting and implementing the Commission's findings and
recommendations by creating The Tulsa Reconciliation Education
and Scholarship Program⁹⁸ and the Tulsa Riot Memorial and

98. See 70 Okl. St. Ann. §2621 (West 2002).

1 Reconciliation Act,⁹⁹ has expressly or implicitly waived any
2 limitations defense it may mount, since these measures adopt the
3 injunctive relief recommended by the Commission. The State
4 cannot arbitrarily choose between the remedies recommended by
5 the Commission when adopting the Commission's Report, and has
6 therefore waived its statute of limitations defense.

7 193. Finally, Governor Keating, acting in his official
8 capacity as GOVERNOR OF THE STATE OF OKLAHOMA, stated that he
9 "supported direct payments to the 120 survivors of the bloody
10 riots if the report contained persuasive evidence of state
11 culpability."¹⁰⁰ Governor Keating admitted that "Compensation
12 for direct loss occasioned by direct state or city action is not
13 inappropriate. . . . But it has to be shown that there was real
14 harm to existing, living individuals and that direct action by
15 the city and the state caused the harm"¹⁰¹ Clearly, the
16 Commission Report demonstrates such harm. Governor Keating's
17 statement demonstrates the State's express or implied intent to
18 waive any limitations defense should legal liability be
19 established.

20
21
22 99. See id. at §8201.1.

23 100. Lois Romano, No Vow to Make Amends for Tulsa; Legislators'
24 Sidestepping Disappoints Survivors of 1921 Race Riot, The
25 Washington Post, Thursday, March 1, 2001 Section A.

26 101. Lois Romano, Tulsa Airs a Race Riot's Legacy; State
Historical Panel's Call for Restitution Spurs a Debate, The
Washington Post, Wednesday, January 19, 2000, at Section A.

1
2 FIRST CAUSE OF ACTION
3 FOR DEPRIVATION OF LIFE AND LIBERTY
4 AND THE PRIVILEGES AND IMMUNITIES
5 OF UNITED STATES CITIZENSHIP
6 IN VIOLATION OF THE FOURTEENTH AMENDMENT
7 OF THE UNITED STATES CONSTITUTION
8 (Against the CITY OF TULSA, THE CHIEF OF POLICE,
9 and THE TULSA POLICE DEPARTMENT)

10
11 194. Plaintiffs repeat and reallege the above
12 allegations as if fully set forth herein.

13 195. Defendants deprived the following Plaintiffs of
14 their constitutionally protected interest in their life,
15 liberty, and bodily integrity, and in enjoying the privileges
16 and immunities of their United States citizenship: JOHN
17 ALEXANDER, JUANITA SMITH BOOKER, KINNEY BOOKER, DOROTHY BOOKER
18 BOULDING, JOHNNIE L. GRAYSON BROWN, JOE R. BURNS, ROSA L. GREEN
19 BYNUM, BEATRICE CAMPBELL-WEBSTER, NAOMI HOOKER CHAMBERLAIN,
20 MILDRED MITCHELL CHRISTOPHER, CARRIE HUMPHREY CUDJOE, LUCILLE
21 BUCHANAN FIGURES, ERNESTINE GIBBS, HAROLD GIBBS, HAZEL FRANKLIN
22 HACKETT, MADELEINE HAYNES, JOYCE WALKER HILL, VERA INGRAM,
23 EUNICE CLOMAN JACKSON, DR. HOBART JARRETT, HAZEL DELORES SMITH
24 JONES, MARY TACOMA MAUPIN, ALICE HIGGS LOLLIS, ISHMAEL S. MORAN,
25 SIMON R. RICHARDSON, BEULAH LOREE KEENAN SMITH, GOLDEN WILLIAMS
26

1 SMITH, DOROTHY WILSON STRICKLAND, LOIS WHITE TAYLOR, BERTRAM C.
2 WILLIAMS, LOUIE BARTON WILLIAMS, and WESS YOUNG.

3 196. The following plaintiffs had relatives who were
4 killed by Defendants: J.B. BATES, LEROY LEON HATCHER, and CECIL
5 WHITE.

6 197. The following plaintiffs were physically and
7 emotionally injured by Defendants: CARRIE HUMPHREY CUDJOE, JAMES
8 DURANT, BEULAH LOREE KEENAN SMITH, LOLA SNEED SNOWDEN, and MARIE
9 WHITEHORN

10 198. Defendants' actions were deliberate and
11 premediated. Such actions shock the conscience, and demonstrate
12 a deliberate indifference to life, liberty and bodily integrity.

13 199. As a consequence of Defendants' actions,
14 Plaintiffs JOHN ALEXANDER, JUANITA SMITH BOOKER, KINNEY BOOKER,
15 DOROTHY BOOKER BOULDING, JOHNNIE L. GRAYSON BROWN, JOE R. BURNS,
16 ROSA L. GREEN BYNUM, BEATRICE CAMPBELL-WEBSTER, NAOMI HOOKER
17 CHAMBERLAIN, MILDRED MITCHELL CHRISTOPHER, CARRIE HUMPHREY
18 CUDJOE, LUCILLE BUCHANAN FIGURES, ERNESTINE GIBBS, HAROLD GIBBS,
19 HAZEL FRANKLIN HACKETT, MADELEINE HAYNES, JOYCE WALKER HILL,
20 VERA INGRAM, EUNICE CLOMAN JACKSON, DR. HOBART JARRETT, HAZEL
21 DELORES SMITH JONES, MARY TACOMA MAUPIN, ALICE HIGGS LOLLIS,
22 ISHMAEL S. MORAN, SIMON R. RICHARDSON, BEULAH LOREE KEENAN
23 SMITH, GOLDEN WILLIAMS SMITH, DOROTHY WILSON STRICKLAND, LOIS
24 WHITE TAYLOR, BERTRAM C. WILLIAMS, LOUIE BARTON WILLIAMS, WESS
25 YOUNG, J.B. BATES, LEROY LEON HATCHER, CECIL WHITE, CARRIE

26

1 HUMPHREY CUDJOE, JAMES DURANT, BEULAH LOREE KEENAN SMITH, LOLA
2 SNEED SNOWDEN, and MARIE WHITEHORN have sustained physical and
3 mental injuries, and are entitled to damages in amount to be
4 determined at trial.

5

6

7

SECOND CAUSE OF ACTION

8

FOR DEPRIVATION OF PROPERTY AND PRIVILEGES

9

AND IMMUNITIES IN VIOLATION OF THE FOURTEENTH

10

AMENDMENT OF THE UNITED STATES CONSTITUTION

11

(Against the CITY OF TULSA, THE CHIEF OF POLICE,

12

and THE TULSA POLICE DEPARTMENT)

13

14

200. Plaintiffs repeat and reallege the above

15

allegations as if fully set forth herein.

16

201. Defendants deprived the following Plaintiffs of

17

their constitutionally protected property interest in their

18

residences, places of business, land, and personal property:

19

J.B. BATES, ESSIE LEE JOHNSON BECK, J.D. BELL, PHINES BELL,

20

JUANITA SMITH BOOKER, KINNEY BOOKER, DOROTHY BOOKER BOULDING,

21

JEANETTE McNEAL BRADSHAW, TERESA EARLEE BRIDGES DYSART, JOHNNIE

22

L. GRAYSON BROWN, ROSA L. GREEN BYNUM, MURIEL MIGNON LILLY

23

CABELL, MILDRED MITCHELL CHRISTOPHER, MILDRED LUCAS CLARK, OTIS

24

GRANVILLE CLARK, BLANCHE CHATMAN COLE, CARRIE HUMPHREY CUDJOE,

25

HATTIE LILLY DUNN, JAMES DURANT, LUCILLE BUCHANAN FIGURES,

26

1 ARCHIE JACKSON FRANKLIN, JIMMIE LILLY FRANKLIN, ERNESTINE GIBBS,
2 HAROLD GIBBS, MARGARET TILLEY GIBBS, THERESSA CORNELIA McNEAL
3 GILLIAM, LEON GRAYS, SR., MILDRED JOHNSON HALL HAZEL FRANKLIN
4 HACKETT, LEROY LEON HATCHER, MADELEINE HAYNES, JAMES FRISSELL
5 "BOTTLEHEAD" HILL, JOYCE WALKER HILL, DR. OLIVIA J. HOOKER,
6 SAMUEL L. HOOKER, JR., WILHELMINA GUESS HOWELL, VERA INGRAM,
7 GENEVIEVE ELIZABETH TILLMAN JACKSON, DR. HOBART JARRETT, WILMA
8 MITCHELL JOHNSON, HAZEL DELORES SMITH JONES, THELMA KNIGHT,
9 CAROL SMITHERMAN MARTIN, MARY TACOMA MAUPIN, RUTH DEAN NASH,
10 SIMEON L. NEAL, ALMADGE J. NEWKIRK, JUANITA MAXINE SCOTT PARRY,
11 IDA BURNS PATTERSON, DELOIS VADEN RAMSEY, JEWEL SMITHERMAN
12 ROGERS, JULIUS WARREN SCOTT, VENEICE DUNN SIMS, BEULAH LOREE
13 KEENAN SMITH, GOLDEN WILLIAMS SMITH, LOLA SNEED SNOWDEN, JAMES
14 L. STEWARD, DOROTHY WILSON STRICKLAND, LOIS WHITE TAYLOR, WILLIE
15 MAE SHELburn THOMPSON, EFFIE LEE SPEARS TODD, MELVIN C. TODD,
16 QUEEN ESTHER LOVE WALKER, SAMUEL WALKER, TROY SIDNEY WALKER, and
17 MARY LEON BROWN WATSON.

18 202. Defendants burned, looted, and otherwise
19 destroyed or misappropriated these Plaintiffs' property of
20 without a hearing and without due process of law in violation of
21 their property rights and the privileges and immunities of their
22 citizenship as guaranteed under the Fourteenth Amendment of the
23 United States Constitution.¹⁰²

24 _____
25 102. See, e.g., Clarence Thomas, The Higher Law Background of
26 _____

1 203. Defendants have never returned such
2 misappropriated property or paid compensation for its loss.

3 204. Plaintiffs J.B. BATES, ESSIE LEE JOHNSON BECK,
4 J.D. BELL, PHINES BELL, JUANITA SMITH BOOKER, KINNEY BOOKER,
5 DOROTHY BOOKER BOULDING, JEANETTE McNEAL BRADSHAW, TERESA EARLEE
6 BRIDGES DYSART, JOHNNIE L. GRAYSON BROWN, ROSA L. GREEN BYNUM,
7 MURIEL MIGNON LILLY CABELL, MILDRED MITCHELL CHRISTOPHER,
8 MILDRED LUCAS CLARK, OTIS GRANVILLE CLARK, BLANCHE CHATMAN COLE,
9 CARRIE HUMPHREY CUDJOE, HATTIE LILLY DUNN, JAMES DURANT, LUCILLE
10 BUCHANAN FIGURES, ARCHIE JACKSON FRANKLIN, JIMMIE LILLY
11 FRANKLIN, ERNESTINE GIBBS, HAROLD GIBBS, MARGARET TILLEY GIBBS,
12 THERESSA CORNELLA McNEAL GILLIAM, LEON GRAYS, SR., MILDRED
13 JOHNSON HALL HAZEL FRANKLIN HACKETT, LEROY LEON HATCHER,
14 MADELEINE HAYNES, JAMES FRISSELL "BOTTLEHEAD" HILL, JOYCE WALKER
15 HILL, DR. OLIVIA J. HOOKER, SAMUEL L. HOOKER, JR., WILHELMINA
16 GUESS HOWELL, VERA INGRAM, GENEVIEVE ELIZABETH TILLMAN JACKSON,
17 DR. HOBART JARRETT, WILMA MITCHELL JOHNSON, HAZEL DELORES SMITH
18 JONES, THELMA KNIGHT, CAROL SMITHERMAN MARTIN, MARY TACOMA
19 MAUPIN, RUTH DEAN NASH, SIMEON L. NEAL, ALMADGE J. NEWKIRK,
20 JUANITA MAXINE SCOTT PARRY, IDA BURNS PATTERSON, DELOIS VADEN
21 RAMSEY, JEWEL SMITHERMAN ROGERS, JULIUS WARREN SCOTT, VENEICE
22 DUNN SIMS, BEULAH LOREE KEENAN SMITH, GOLDEN WILLIAMS SMITH,

23
24 the Privileges or Immunities Clause, 12 Harv. J.L. & Pub. Pol.
25 63, 68 (1989); Philip B. Kirkland, The Privileges or Immunities
26 Clause: Its Hour Come 'Round at Last, Its Hour Come 'Round at

1 LOLA SNEED SNOWDEN, JAMES L. STEWARD, DOROTHY WILSON STRICKLAND,
2 LOIS WHITE TAYLOR, WILLIE MAE SHELBURN THOMPSON, EFFIE LEE
3 SPEARS TODD, MELVIN C. TODD, QUEEN ESTHER LOVE WALKER, SAMUEL
4 WALKER, TROY SIDNEY WALKER, and MARY LEON BROWN WATSON. have
5 suffered property damage in an amount to be specified at trial.

6
7 THIRD CAUSE OF ACTION
8 FOR VIOLATION OF THE EQUAL PROTECTION
9 CLAUSE AND THE PRIVILEGES AND IMMUNITIES
10 CLAUSE OF THE FOURTEENTH AMENDMENT
11 TO THE UNITED STATES CONSTITUTION

12 (Against the CITY OF TULSA, THE CHIEF OF POLICE,
13 and THE TULSA POLICE DEPARTMENT)

14 205. Plaintiffs repeat and reallege the above
15 allegations as if fully set forth herein.

16 206. Defendants deprived all of the Plaintiffs of
17 their right to equal protection of the laws and the privileges
18 and immunities of their citizenship as guaranteed under the
19 Fourteenth Amendment of the United States Constitution.

20 207. The Defendants engaged in a longstanding and
21 official policy, practice, custom, habit and usage to deny
22 African Americans their equal rights under the law. This was
23 done in numerous ways, described below.

24
25 Last? 1972 Washington Univ. L.Q. 405 at 418-420.

1 208. Defendants permitted Plaintiffs to be physically
2 attacked, even participating in some of the attacks, resulting
3 in bodily injury, death and destruction and theft of property.
4 Defendants, with deliberate indifference and on the basis of
5 race, failed to protect Plaintiffs from repeated criminal acts,
6 failed to equally enforce the laws and branded Plaintiffs with
7 the racial badges of inferiority and slavery in the form of
8 racial epithets. Defendants' failure to prevent or aid in
9 preventing the commission of racial crimes exacerbated the riot
10 and led to further wrongs against Plaintiffs. Defendants failed
11 to adequately train and supervise those persons it deputized and
12 those persons to whom it issued ammunition during the riot.
13 Defendants failed to meaningfully investigate and act upon
14 complaints filed by Plaintiffs on the basis of race. Defendants
15 routinely underinvestigated, underresponded, undercharged,
16 mishandled and failed to protect Plaintiffs from a series of
17 criminal acts or prosecute those responsible for such acts.
18 Defendants abdicated their responsibility to investigate,
19 develop and charge white citizens with crimes against
20 Plaintiffs, thereby affirming and jointly participating in
21 racially motivated acts to deprive Plaintiffs of their
22 constitutional and statutory rights. Defendants failed to make
23 whole Plaintiffs by providing restitution and reparations it
24 promised and committed to them.

1 209. Defendants did not treat white citizens in the
2 same or similar manner to Plaintiffs.

3 210. As a consequence of the intentional racially
4 discriminatory acts of Defendants, all of the Plaintiffs were
5 denied the equal protection of the laws and the privileges and
6 immunities of their United States citizenship in violation of
7 the Fourteenth Amendment, and are entitled to damages in an
8 amount to be determined at trial.

9
10
11 FOURTH CAUSE OF ACTION

12 FOR VIOLATION OF U.S.C. §1981

13 (Against All Defendants)

14 211. Plaintiffs repeat and reallege the above
15 allegations as if fully set forth herein.

16 212. The State of Oklahoma has waived its immunity by
17 setting up a Commission for the purpose of establishing
18 liability, identifying those responsible for the Riot and those
19 victimized by it, and committing itself to pay restitution or
20 reparations if liability was found.

21 213. Defendants deprived all of the Plaintiffs of
22 their "full and equal benefit of all laws and proceedings for
23 the security of persons and property as is enjoyed by white
24 citizens" in violation of 42 U.S.C. §1981.

1 214. Defendants also denied Plaintiffs the same right
2 to sue as is enjoyed by white citizens, in violation of 42
3 U.S.C. §1981.

4 215. Defendants specifically targeted Plaintiffs on
5 the basis of their race. This intentional discrimination was
6 accomplished by a longstanding and official policy, practice,
7 custom, habit and usage to deny African Americans their equal
8 rights under the law. This was done in numerous ways, described
9 below.

10 216. Defendants permitted Plaintiffs to be physically
11 attacked, even participating in some of the attacks, resulting
12 in bodily injury, death and destruction and theft of property.
13 Defendants, with deliberate indifference and on the basis of
14 race, failed to protect Plaintiffs from repeated criminal acts,
15 failed to equally enforce the laws and branded Plaintiffs with
16 the racial badges of inferiority and slavery in the form of
17 racial epithets. Defendants' failure to prevent or aid in
18 preventing the commission of racial crimes exacerbated the riot
19 and led to further wrongs against Plaintiffs. Defendants failed
20 to adequately train and supervise those persons it deputized and
21 those persons to whom it issued ammunition during the riot.
22 Defendants failed to meaningfully investigate and act upon
23 complaints filed by Plaintiffs on the basis of race. Defendants
24 routinely under-investigated, under-responded, undercharged,
25 mishandled and failed to protect Plaintiffs from a series of
26

1 criminal acts or prosecute those responsible for such acts.
2 Defendants abdicated their responsibility to investigate,
3 develop and charge white citizens with crimes against
4 Plaintiffs, thereby affirming and jointly participating in
5 racially motivated acts to deprive Plaintiffs of their
6 constitutional and statutory rights. Defendants failed to make
7 whole Plaintiffs by providing restitution and reparations it
8 promised to them.

9 217. Defendants did not treat white citizens in the
10 same or similar manner to Plaintiffs.

11 218. Consequently, all of Plaintiffs have sustained
12 injuries in an amount to be determined at trial.

13

14

15

FIFTH CAUSE OF ACTION

16

FOR VIOLATION OF U.S.C. §1983

17

(Against the CITY OF TULSA, THE CHIEF OF POLICE,

18

and THE TULSA POLICE DEPARTMENT)

19

20 219. Plaintiffs repeat and reallege the above
allegations as if fully set forth herein.

21

22 220. Defendants deprived all of the Plaintiffs of
23 their rights, privileges and immunities by engaging in a
24 longstanding and official policy, practice, custom, habit and
25 usage to deny African Americans their equal rights under the
law. This was done in numerous ways, described below.

26

1 221. Defendants permitted Plaintiffs to be physically
2 attacked, even participating in some of the attacks, resulting
3 in bodily injury, death and destruction and theft of property.
4 Defendants, with deliberate indifference and on the basis of
5 race, failed to protect Plaintiffs from repeated criminal acts,
6 failed to equally enforce the laws and branded Plaintiffs with
7 the racial badges of inferiority and slavery in the form of
8 racial epithets. Defendants' failure to prevent or aid in
9 preventing the commission of racial crimes exacerbated the riot
10 and led to further wrongs against Plaintiffs. Defendants failed
11 to adequately train and supervise those persons it deputized and
12 those persons to whom it issued ammunition during the riot.
13 Defendants failed to meaningfully investigate and act upon
14 complaints filed by Plaintiffs on the basis of race. Defendants
15 routinely underinvestigated, underresponded, undercharged,
16 mishandled and failed to protect Plaintiffs from a series of
17 criminal acts or prosecute those responsible for such acts.
18 Defendants abdicated their responsibility to investigate,
19 develop and charge white citizens with crimes against
20 Plaintiffs, thereby affirming and jointly participating in
21 racially motivated acts to deprive Plaintiffs of their
22 constitutional and statutory rights. Defendants failed to make
23 whole Plaintiffs by providing restitution and reparations it
24 promised to them.

1 222. Defendants did not treat white citizens in the
2 same or similar manner to Plaintiffs.

3 223. Consequently, all of the Plaintiffs have
4 sustained injuries and property damage in an amount to be
5 specified at trial.

6
7
8 SIXTH CAUSE OF ACTION
9 FOR VIOLATION OF U.S.C. §1985

10 (Against All Defendants)

11 224. Plaintiffs repeat and reallege the above
12 allegations as if fully set forth herein.

13 225. The STATE OF OKLAHOMA has waived its immunity by
14 setting up a Commission for the purpose of establishing
15 liability, identifying those responsible for the Riot and those
16 victimized by it, and committing itself to pay restitution or
17 reparations if liability was found.

18 226. The Defendants the STATE OF OKLAHOMA and the CITY
19 OF TULSA conspired to deprive all of the Plaintiffs the equal
20 protection of the laws and equal privileges and immunities under
21 the laws, thereby injuring Plaintiffs.

22 227. Defendants conspired to deprive Plaintiffs the
23 equal protection of the laws and their rights, privileges and
24 immunities by engaging in a longstanding and official policy,
25 practice, custom, habit and usage to deny African Americans
26

1 their equal rights under the law. This was done in numerous
2 ways, described below.

3 228. Defendants permitted Plaintiffs to be physically
4 attacked, even participating in some of the attacks, resulting
5 in bodily injury, death and destruction and theft of property.
6 Defendants, with deliberate indifference and on the basis of
7 race, failed to protect Plaintiffs from repeated criminal acts,
8 failed to equally enforce the laws and branded Plaintiffs with
9 the racial badges of inferiority and slavery in the form of
10 racial epithets. Defendants' failure to prevent or aid in
11 preventing the commission of racial crimes exacerbated the riot
12 and led to further wrongs against Plaintiffs. Defendants failed
13 to adequately train and supervise those persons it deputized and
14 those persons to whom it issued ammunition during the riot.
15 Defendants failed to meaningfully investigate and act upon
16 complaints filed by Plaintiffs on the basis of race. Defendants
17 routinely under-investigated, under-responded, undercharged,
18 mishandled and failed to protect Plaintiffs from a series of
19 criminal acts or prosecute those responsible for such acts.
20 Defendants abdicated their responsibility to investigate,
21 develop and charge white citizens with crimes against
22 Plaintiffs, thereby affirming and jointly participating in
23 racially motivated acts to deprive Plaintiffs of their
24 constitutional and statutory rights. Defendants failed to make

1 whole Plaintiffs by providing restitution and reparations it
2 promised to them.

3 229. Defendants did not treat white citizens in the
4 same or similar manner to Plaintiffs.

5 230. Defendants intentionally caused injury to al of
6 the Plaintiffs on the basis of race, in violation of their
7 rights, privileges and immunities secured by federal law.

8 231. As a result of the conspiracy between Defendants,
9 all of the Plaintiffs have sustained injuries and property
10 damage in an amount to be specified at trial.

11

12

13

SEVENTH CAUSE OF ACTION

14

PROMISSORY ESTOPPEL

15

(Against the STATE OF OKLAHOMA and the CITY OF TULSA)

16

232. Plaintiffs repeat and reallege the above
17 allegations as if fully set forth herein.

18

233. The STATE OF OKLAHOMA has waived its immunity by
19 setting up a Commission for the purpose of establishing
20 liability, identifying those responsible for the Riot and those
21 victimized by it, and committing itself to pay restitution or
22 reparations if liability was found.

23

234. Defendants clearly and unambiguously promised to
24 provide restitution and/or reparations to the Plaintiffs for the
25 damage Defendants inflicted during the course of the riot;

26

1 Defendants reasonably foresaw that Plaintiffs would rely upon
2 those promises; Plaintiffs did rely upon those promises to their
3 detriment; and the hardship and unfairness suffered by the
4 Plaintiffs may only be avoided by the STATE OF OKLAHOMA and the
5 CITY OF TULSA restoring the benefits to which the Plaintiffs are
6 due.

7
8 1. State of Oklahoma

9 235. Defendant the STATE OF OKLAHOMA promised
10 Plaintiffs in 1999 that restitution and/or reparations would be
11 made for damages incurred during the Tulsa race riot, upon which
12 Plaintiffs reasonably relied to their detriment. Defendants
13 knew that such assertions would result in Plaintiffs' reliance
14 and Plaintiffs did in fact reasonably relied on Defendants'
15 assurances by not filing suit for restitution prior.

16 236. More specifically, in 1997, pursuant to House
17 Joint Resolution 1035 (1997), the State Legislature commissioned
18 a report from the Commission, funded the Commission, and charged
19 it with conducting an investigation to determine the causes of
20 the riot, identify those parties responsible for the riot and
21 the victims, and to make recommendations regarding reparations
22 and restitution.

23 237. House Joint Resolution 1035 (1997) conceded that:
24 "black persons of that era were practically denied
25 equal access to the civil or criminal justice system
26 in order to obtain damages or other relief for the

1 tortious and criminal conduct which had been
2 committe

3 and that:

4 "the Greenwood community and the residents who lived
5 and worked there were irrevocably damaged by the
6 tortious and criminal conduct that occurred during the
7 Tulsa Race Riot; . . . and . . . at the time of the 1921
8 riot in the City of Tulsa, the Oklahoma Constitution
9 contained provisions, still effective as law, which
10 provided that: 'All persons have the inherent right
11 to life, liberty, the pursuit of happiness, and the
12 enjoyment of the gains of their own industry.' and
13 further that: 'the courts of justice of the State
14 shall be open to every person, and speedy and certain
15 remedy afforded for every wrong and for every injury
16 to person, property and reputation; and right and
17 justice shall be administered without sale, denial,
18 delay or prejudice.' "

19 238. Furthermore, Governor Keating, acting in his
20 official capacity as Governor of the STATE OF OKLAHOMA, stated
21 that he "supported direct payments to the 120 survivors of the
22 bloody riots if the report contained persuasive evidence of
23 state culpability."¹⁰³ Governor Keating admitted that
24 "Compensation for direct loss occasioned by direct state or city
25 action is not inappropriate. . . . But it has to be shown that
26 there was real harm to existing, living individuals and that
direct action by the city and the state caused the harm"¹⁰⁴
Clearly, the Commission Report demonstrates such harm.

103. Lois Romano, No Vow to Make Amends for Tulsa; Legislators'
Sidestepping Disappoints Survivors of 1921 Race Riot, The
Washington Post, Thursday, March 1, 2001 Section A.

104. Lois Romano, Tulsa Airs a Race Riot's Legacy; State

1 239. The Oklahoma State Legislature empowered the
2 Commission to redress these wrongs, and it was foreseeable that
3 Plaintiffs would rely upon the recommendations contained within
4 the Commission's Report.

5 240. Furthermore, the Oklahoma State Legislature, in
6 adopting and implementing the Commission's findings and
7 recommendations by creating The Tulsa Reconciliation Education
8 and Scholarship Program¹⁰⁵ and the Tulsa Riot Memorial of
9 Reconciliation,¹⁰⁶ induced reliance by the Plaintiffs, since
10 these measures provide the injunctive relief recommended by the
11 Commission, creating the expectation that monetary relief would
12 be forthcoming.

13 241. Plaintiffs have indeed relied to their detriment
14 upon Defendant's promises by foregoing other means of
15 compensation in the justified expectation that the State would
16 compensate them for the Riot.

17 242. Plaintiffs may only be avoid the unfairness and
18 hardship resulting from Defendant's behavior by receiving the
19 compensation promised by the STATE OF OKLAHOMA in 1997 and 1999.

20
21 2. City of Tulsa

22
23
24 Historical Panel's Call for Restitution Spurs a Debate, The
25 Washington Post, Wednesday, January 19, 2000, at Section A.

105. See 70 Okl. St. Ann. §2621 (West 2002).

106. See id. at §8201.1.

1 243. Defendant the CITY OF TULSA promised Plaintiffs
2 both in 1921 and 1999 that restitution would be made for damages
3 incurred during the Tulsa Race Riot, upon which Plaintiffs
4 reasonably relied to their detriment. Defendant knew that such
5 assertions would result in Plaintiffs' reliance.

6 244. Specifically, the City stated that a claims
7 commission would compensate the victims of the riot, thereby
8 inducing them not to file suit. In particular, the Tulsa
9 Chamber of Commerce stated that as "quickly as possible
10 rehabilitation will take place and reparation made
11 Tulsa feels intensely humiliated."¹⁰⁷ In the June 15, 1921 issue
12 of the Nation, the Chair of the Emergency Committee stated that
13 "Tulsa weeps at this unspeakable crime and will make good the
14 damage, so far as it can be done, to the last penny."

15 245. Plaintiffs did in fact reasonably relied on
16 Defendants' assurances by not filing suit for restitution prior
17 to the commencement of this lawsuit. Plaintiffs and their
18 families did not file lawsuits in the belief that the CITY OF
19 TULSA would compensate them for damages suffered during the
20 Riot. In reliance on this promise, Plaintiffs lost their
21 opportunity to seek the damages incurred by the Riot.

22
23
24
25 107. Alfred Brophy, Reconstructing the Dreamland : The Tulsa
26 Riot of 1921 107 (2002).

PRAYER FOR RELIEF

WHEREFORE, Plaintiffs pray for relief from Defendants

as follows:

i. For general and specific damages according to proof;

ii. For the amount of attorney's fees and related legal expenses incurred by Plaintiffs in pursuit of the benefits to which it is entitled;

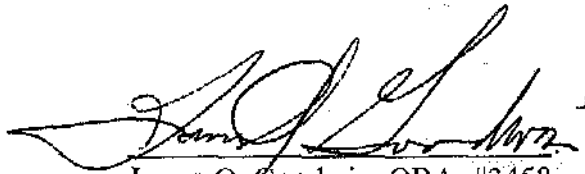
iii. For exemplary and punitive damages in an amount sufficient to punish Defendants the CITY OF TULSA, the TULSA CHIEF OF POLICE, and the TULSA POLICE DEPARTMENT for their reprehensible behavior;

iv. For pre-judgment interest;

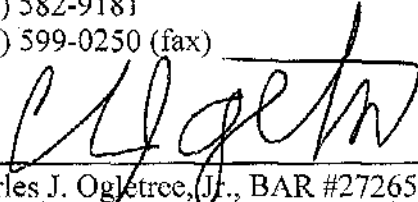
v. For such other and further relief, including injunctive and declaratory relief, that the Court deems just and appropriate.

Plaintiffs request a jury trial.


DATED: February 24, 2003



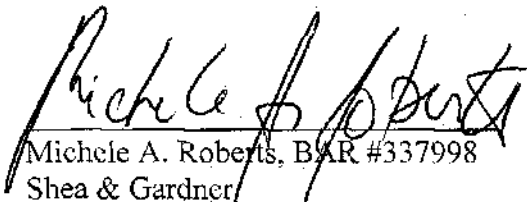
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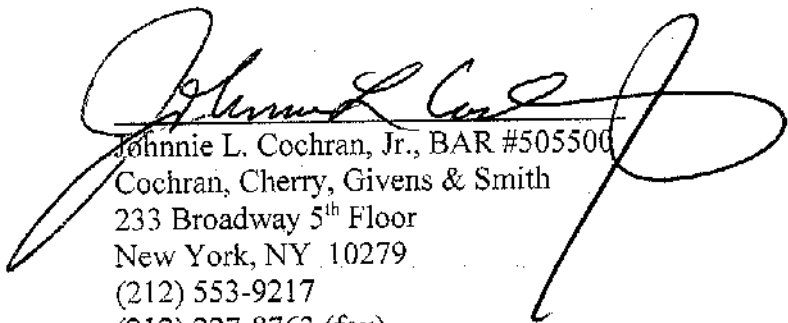
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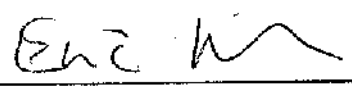
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Eric J. Miller, BAR#194237

Harvard Criminal Justice Institute*

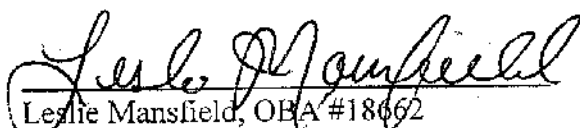
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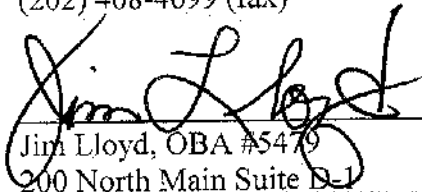
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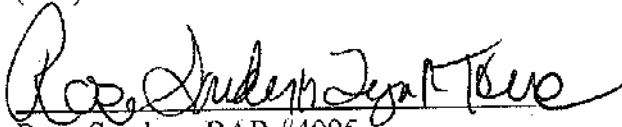
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