

117TH CONGRESS
1ST SESSION

H. R. 3466

To provide a remedy for survivors and descendants of the victims of the
Tulsa, Oklahoma Race Massacre of 1921.

IN THE HOUSE OF REPRESENTATIVES

MAY 21, 2021

Mr. JOHNSON of Georgia (for himself, Ms. PLASKETT, Mr. DANNY K. DAVIS of Illinois, Mr. CARTER of Louisiana, Mr. BROWN, Mr. TORRES of New York, Ms. JACKSON LEE, Mr. CARSON, Ms. JACOBS of California, Ms. SEWELL, Ms. NORTON, Mr. GREEN of Texas, Mr. GRIJALVA, Ms. WILSON of Florida, and Mr. EVANS) introduced the following bill; which was referred to the Committee on the Judiciary

A BILL

To provide a remedy for survivors and descendants of the
victims of the Tulsa, Oklahoma Race Massacre of 1921.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the “Tulsa-Greenwood Mas-
5 sacre Claims Accountability Act of 2021”.

6 **SEC. 2. FINDINGS.**

7 The Congress makes the following findings:

1 (1) In 1921, Greenwood (a community in
2 Tulsa, Oklahoma) was one of the most prosperous
3 African-American communities in the United States.
4 At the time, an estimated 11,000 African Americans
5 lived in Greenwood, and its commercial district was
6 known nationally as the “Black Wall Street”. The
7 community boasted two newspapers, over a dozen
8 churches, and hundreds of African-American-owned
9 businesses.

10 (2) On the evening of May 31, 1921, the Afri-
11 can-American Greenwood community of Tulsa, Okla-
12 homa was ravaged by a White mob, some of whom
13 were deputized and armed by law enforcement. By
14 the conclusion of the massacre at midday, June 1,
15 virtually every building in a 42-square-block area of
16 the community—homes, schools, churches, and busi-
17 nesses—was burned to the ground and thousands
18 were left homeless. Over 1,200 homes were de-
19 stroyed. Every church, school, and business in
20 Greenwood was set on fire. Approximately 8,000 Af-
21 rican Americans were left homeless and penniless.
22 Unable to rebuild, thousands of residents spent the
23 winter of 1921 to 1922 in tents.

24 (3) Credible evidence supports the belief that
25 approximately 300 African Americans were killed

1 during the massacre, but the exact death toll re-
2 mains unknown.

3 (4) In the wake of the destruction, a State-con-
4 vened grand jury officially placed responsibility for
5 the violence on the African-American community, ex-
6 onerating Whites of all responsibility. No one was
7 ever prosecuted or punished for the violent criminal
8 acts.

9 (5) None of the nearly 200 contemporaneously
10 filed lawsuits by residents and property owners in
11 Greenwood were successful in recovering damages
12 from insurance companies to assist in the recon-
13 struction of the community. After the city attempted
14 to block their redevelopment efforts, victims were
15 forced to rebuild with their own resources or aban-
16 don the community.

17 (6) State and local governments suppressed or
18 ignored issues and claims arising from the 1921
19 massacre, effectively excising it from collective mem-
20 ory, until the Oklahoma Legislature created a com-
21 mission to study the event in 1997. The commis-
22 sion's February 28, 2001, report uncovered new in-
23 formation and detailed, for the first time, the extent
24 of involvement by the State and city government in

1 prosecuting and erasing evidence of the massacre
2 (Okla. Stat. Tit. 74 Section 8000.1 (West 2005)).

3 (7) The documentation assembled by the “1921
4 Tulsa Race Riot Commission” provides strong evi-
5 dence that some local municipal and county officials
6 failed to take actions to calm or contain the situa-
7 tion once violence erupted and, in some cases, be-
8 came participants in the subsequent violence, and
9 even deputized and armed many Whites who were
10 part of a mob that killed, looted, and burned down
11 the Greenwood area.

12 (8) Based on information contained in the re-
13 port, the Greenwood claimants filed suit, pursuant
14 to the laws codified in sections 1981, 1983, and
15 1985 of title 42 of the United States Code and the
16 14th Amendment, seeking damages for the injuries
17 sustained in the massacre as a result of the govern-
18 ment’s involvement. Their claims were dismissed as
19 time barred by the court, and so were not deter-
20 mined on the merits (382 F.3d 1206 (10th Cir.
21 2004), rehrg en banc denied (with dissent), 391
22 F.3d (10th Cir. 2004), cert denied *Alexander v.*
23 *State of Oklahoma*, 544 U.S. 1044 (2005)).

24 **SEC. 3. PURPOSES.**

25 The purposes of this Act are the following:

1 (1) To ensure that laws governing claims made
2 in connection with the Tulsa, Oklahoma race mas-
3 sacre of 1921 and its aftermath further the United
4 States policy of providing compensation to any
5 Greenwood race massacre victim, who was physically
6 injured or killed or who had their property destroyed
7 or taken as a result of the actions of the individuals
8 acting under color of State, county, or municipal au-
9 thorization, their heirs, and beneficiaries.

10 (2) To ensure that claims made in connection
11 with the Tulsa, Oklahoma race massacre of 1921
12 and its aftermath are not unfairly barred by statutes
13 of limitations or laches or other similar provision of
14 any applicable law relating to the timeliness of the
15 filing of claims that might prevent a claim from
16 being heard on its merits, or any notice require-
17 ments imposed by State law, but are resolved in a
18 just and fair manner.

19 **SEC. 4. CAUSE OF ACTION.**

20 (a) IN GENERAL.—Every person who, in connection
21 with the Tulsa, Oklahoma race massacre of 1921 and its
22 aftermath, acted under color of any statute, ordinance,
23 regulation, custom, or usage of the State of Oklahoma or
24 the city of Tulsa to subject, or cause to be subjected, any
25 Greenwood race massacre victim to the deprivation, on ac-

1 count of race, of any right secured at the time of the depri-
2 vation by the United States Constitution, shall be liable
3 to the Greenwood race massacre victim, or their heir or
4 beneficiary, in a civil action for redress.

5 (b) DEFINITIONS.—In this Act:

6 (1) The term “Greenwood race massacre vic-
7 tim” means any person that was physically injured
8 or killed or had their property destroyed or taken as
9 a result of the actions of a person acting under color
10 of State, county, or municipal authorization during
11 or in the aftermath of the Tulsa race massacre of
12 1921.

13 (2) The term “person” has the meaning given
14 such term in section 1 of title 1, United States
15 Code.

16 (3) The term “redress” includes, for any resid-
17 ual fund created by litigation under this Act, the ap-
18 pointment of a special master to create and admin-
19 ister a compensation program, in consultation with
20 the prevailing class of litigants, to make grants to or
21 enter into contracts with any community-based orga-
22 nization, network, or coalition of community-based
23 organizations to promote the health, safety, and wel-
24 fare of that class.

1 **SEC. 5. CLARIFICATION.**

2 Notwithstanding any other provision of law, a Green-
3 wood race massacre victim, or their heir or beneficiary,
4 who previously brought an action under section 1979 of
5 the Revised Statutes of the United States (42 U.S.C.
6 1983) that was dismissed because the statute of limita-
7 tions is not precluded from bringing an action under this
8 Act.

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