

JUSTICE FOR GREENWOOD

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VIA CERTIFIED MAIL and EMAIL (Shaylyn.Cochran@usdoj.gov)

November 23, 2021

Kristen Clarke, Esq.
Assistant Attorney General for Civil Rights
United States Department of Justice
Civil Rights Division
950 Pennsylvania Ave., N.W.
Washington, D.C. 20530

RE: Presentation Follow-Up Letter Explaining Why the United States Department of Justice Should Investigate the Tulsa Race Massacre

Dear Ms. Clarke,

Thank you for meeting with some of the attorneys associated with Justice for Greenwood¹ and for giving us an opportunity to further explain why we believe it is appropriate and necessary for the United States Department of Justice (DOJ) to open an investigation under the **Emmett Till Unsolved Civil Rights Crime Act of 2007**², together with its 2016 Reauthorization, to investigate the Massacre that destroyed all of Black Tulsa over a century ago and bring justice to the survivors of the Massacre and their descendants. For over 100 years, the survivors of the Massacre and their descendants have gone without a single ounce of justice. Now, in the year of the Massacre's centennial anniversary, we hope to change that, which is why we are calling on the DOJ to bring the brawn of the federal government to Tulsa to help heal these century-old wounds by conducting a meaningful and objective investigation into the Massacre and answer questions that have for so long gone unresolved.

For over 100 years, the victims of the Tulsa Race Massacre of 1921 and their family members have had to endure the terror of living and working under and alongside—sometimes as domestic servants in the houses of—the hundreds, and perhaps thousands of people who committed racially motivated terrorism, murder, arson, and theft. No government institution, federal, state, county, or municipal, has ever sought to identify the white individuals who engaged in these despicable acts, whether as members of the State Militia, or deputized by the County Sheriff or the Municipal Police Department, or acting for various corporations.

¹ The Justice for Greenwood Foundation (“J4G”) is a 501(c)(3) organization that seeks truth, justice, and reparations for the victims of the 1921 Tulsa Race Massacre. J4G has broad support among the Tulsa Massacre Descendant community and has several partnerships with national organizations and groups such as *Color of Change*, *Equal Justice Institute*, and the *NAACP Legal Defense Fund*. For more information, please visit www.justiceforgreenwood.org.

² Emmett Till Unsolved Civil Rights Crime Act of 2007, PL 110–344, October 7, 2008, 122 Stat 3934.

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Largest Crime Scene in U.S. History

The Tulsa Race Massacre of 1921 was the largest domestic terrorist attack in United States history. Thirty-six to forty city blocks were burned to the ground. More than 9,000 Black people were left homeless and almost 1,500 homes and businesses were destroyed, including a federal postal substation.³ Three hundred people were estimated to have been murdered, although the actual number may be larger. After the Massacre, more than 5,000 Greenwood residents were forcefully detained in internment camps at the ballpark and the Convention Center. Black Tulsans were held under guard and were paroled only for work purposes, without pay and under threat of violence, and only if a White person sponsored them and vouched for their good character. In 2001, the Oklahoma Commission to Study the Tulsa Race Riot of 1921 published a report noting that:

[C]redible evidence makes it probable that many people, likely numbering between one and three hundred, were killed during the riot. Not one of these criminal acts was then or ever has been prosecuted or punished by government at any level, municipal, county, state, or federal.⁴

So far, there has been no thorough or fair investigation into the Massacre, or the mass graves it produced.

What Does Justice Look Like?

For many of the victims—the survivors and their families—one core question remains: what happened to my aunt, or uncle, or ancestor, a person that their parents mentioned had disappeared during the Massacre. The Commission suggested that between 100-300 people were murdered.⁵ That number could even underestimate the scale of the homicides, given the number of mass burial sites identified by the 1921 Mass Graves Oversight Committee created by the City. As the attached affidavit of a prominent Committee Member attests,⁶ the City has frustrated the latest attempts to investigate the Massacre and bring closure to each of those families with stories of lost loved ones.

The core problem facing the victims of all previous and current investigations of the Tulsa Race Massacre is that the institutions in charge of criminal investigations—the City of Tulsa, the County of Tulsa, and the State of Oklahoma—are each implicated as participants in the Massacre. Many of the officials who have, or could have, investigated the Massacre have not only an institutional, but a personal stake in the outcome, because it was their friends, their family, or themselves who burned, looted, and murdered the residents of Greenwood in 1921.

³ RANDY KREHBIEL, TULSA, 1921: REPORTING A MASSACRE 116 (2019). *See also id.* at 265 (“*Orders Federal Quiz Into Riot*, Tulsa Daily World, June 4, 1921, p. 1; *Sub-Station of Postoffice (cq) Is Razed by Fire*, Tulsa Tribune, June 4, 1921, p. 6.”).

⁴ Race Riot Commission Report at 12-13.

⁵ *See* selected photos of Massacre murder victims, attached as Exhibit 1

⁶ *See* Affidavit of Stephen Williams, descendant of a Massacre survivor and founder of the African Ancestral Egunwale Amusan, attached as Exhibit 2.

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Even contemporary efforts, such as the Mass Graves investigation, face this problem. The current Mayor of Tulsa, G.T. Bynum, is an exemplary case. He is the great-grandson of R.N. Bynum, who was the Mayor of Tulsa from 1899-1900, and has “deep family roots” in the Tulsa political establishment that makes discovering the hard facts of who led and participated in the Massacre likely to prove personally embarrassing.⁷ Once the Mass Graves Committee found evidence of homicide—a body with a bullet wound—the Mayor’s Office re-interred the bodies and prevented excavation of nearby areas of the burial site.⁸

More information about the mass graves continues to emerge. Different entities have made progress uncovering some of the mass graves in which victims of the Massacre were buried. At the time of the Massacre, the Morning Tulsa Daily World noted “the difficulty of determining the number [and location] of dead Negroes...[because] the bodies were not handled in a systematic manner.”⁹ The 1921 Graves Public Oversight Committee, which was founded to investigate the location of mass graves of murdered Black victims of the massacre, has had its work obstructed by the City of Tulsa.¹⁰ In addition, there is evidence, currently not considered by the Graves Committee, of other mass graves.

For example, a well-respected White Tulsa lawyer, Lloyd K. Benedict, has informed us that he is representing eyewitnesses who state they have seen evidence of a mass grave related to the Massacre at Newblock Park, which is located less than a couple of miles away from the Greenwood District in Tulsa, Oklahoma. Attorney Benedict states his clients want to help us but are fearful of retaliation if the public knew about the information they possess, without any real possibility that something substantive will be done with the information they can provide. Two decades ago, the Oklahoma Commission to Investigate the Tulsa Race Riot of 1921 identified Newblock Park in their report as one of three areas where mass graves are possibly located.¹¹ Recently, a retired Tulsa Police Officer came forward with information that his former supervisor had shown him photographs of bodies being buried in mass graves in an area nearby Newblock Park known as the Canes.¹²

In addition, a document that forms part of the Riot Commission archive details information from 120 witnesses who responded to newspaper articles about the Massacre with information about possible burial sites.¹³ That information has yet to be investigated. The day after we met with your office, we received an email informing us of two possible additional mass grave sites.¹⁴ During her plenary speech at the University of Connecticut Law Review Symposium to Examine Tulsa Race Massacre, Colorado Law School Dean Lolita Innis discussed her relatives, who were

⁷ See Jarrell Wade, *Who is G.T. Bynum? A Man with Deep Family Roots in Tulsa Politics*, TULSA WORLD, May 22, 2016. http://www.tulsaworld.com/news/elections/who-is-g-t-bynum-a-man-with-deep-family/article_51752dab-21c7-53c1-86dd-1b9218d5cb5e.html

⁸ See Affidavit of Stephen Williams, attached as Exhibit 2

⁹ *The Morning Tulsa Daily World*, 2 Jun 1921.

¹⁰ <https://www.publicradiotulsa.org/local-regional/2021-08-05/committee-members-tell-city-councilors-frustrations-with-recent-steps-in-tulsa-mass-grave-search>

¹¹ *Tulsa Race Riot: A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921*, Oklahoma Commission to Study the Tulsa Race Riot of 1921, February 28, 2001, p. 87.

¹² <https://www.fox23.com/news/fox23-investigates/video-former-officer-describes-photos-he-saw-1921-tulsa-race-massacre-possible-new-search-site/64d2fa16-97ac-4d44-8201-3b2d13981085/>

¹³ See <https://www.okhistory.org/research/digital/2006.018/OHS-202.pdf> at pages 594-611, attached as Exhibit 3.

¹⁴ See redacted email dated October 30, 2021, attached as Exhibit 4.

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prominent Greenwood morticians in 1921, dredging bodies from the Arkansas river for burial. That information was not available to the Riot Commission nor to the Graves Oversight Committee.

Finally, no one has ever followed up on the vast trove of pictures depicting the domestic terrorists themselves burning and looting, armed with guns, rounding up the Black residents of Greenwood during and after the Massacre.¹⁵ The issue is not that there is too little information to start an investigation, but a lack of will by State, County, and Municipal investigators to follow up on the mass of information that they have in their possession and that is in the public domain.

Investigation is the Primary Purpose of the Act

The Emmett Till Unsolved Civil Rights Crime Act of 2007,¹⁶ states, as its principal purpose, that it was enacted to “provide for the investigation of certain unsolved civil rights crimes, and for other purposes.”¹⁷

We note that prosecution is a secondary purpose—one of the “other purposes” contemplated by the Act. The Act empowers the Deputy Chief in the Criminal Section of the Civil Rights Division of the Department of Justice *both* to “coordinat[e] the investigation *and* prosecution of violations of criminal civil rights statutes that occurred not later than December 31, 1969, and resulted in a death.”¹⁸ By the terms of the act, then, the Deputy Chief may choose to investigate without contemplating subsequent prosecution.

For the last three remaining survivors, their descendants, and the countless descendants of the other victims, an investigation identifying the individuals and entities that engaged in the racially motivated murder, assault and battery, arson, and looting of their property, and finding all of the Mass Graves associated with the Massacre, is a crucial component of justice. As the Senate made clear in discussing the Bill, “[t]hese violent and discriminatory crimes tear at the fabric of our democracy.”¹⁹ Yale Law Professor Monica Bell recently argued that the failure to identify individuals erases white agency from the Massacre and prevents what she calls “democratic repair.”²⁰ The erasure of individual white agency from our understanding of the Massacre continues to perpetuate the terror to this day.

To illustrate the importance of an investigation: Viola Fletcher, one of the still-living survivors, emphasized the importance of identifying the individuals who burned her family home and killed her neighbors in her testimony to Congress:

I still see Black men being shot, Black bodies lying in the street. I still smell smoke and see fire. I still see Black businesses being burned. I still hear airplanes flying overhead. I hear the screams. I have lived through

¹⁵ See selected photos of the domestic terrorists who destroyed Greenwood, attached as Exhibit 5.

¹⁶ PL 110–344 (HR 923).

¹⁷ *Id.* (emphasis added).

¹⁸ *Id.* (emphasis added).

¹⁹ *Senate Report No. 110–88*, June 22, 2007.

²⁰ Monica Bell, *Reckoning with State-Sanctioned Racial Violence: Lessons from the Tulsa Race Massacre*, Just Security, May 29, 2021.

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the massacre every day. I am 107 years old and have never seen justice. I pray that one day I will. I have been blessed with a long life—and have seen the best and worst of this country. I think about the terror inflicted upon Black people in this country every day.

Some of the institutions that perpetrated the Massacre are currently seeking to profit off of that history and minimize their involvement. Identifying the criminals responsible for the massacre and mass graves would be an important step in “provid[ing] the families of victims murdered prior to the 1970s for racially motivated reasons with long awaited justice.”²¹, even if no criminal prosecution of those individuals were to result.

Statute of Limitations

There is no statute of limitations for 18 U.S.C. §241 (conspiracy to injure resulting in death) or §242 (deprivation civil rights under color of law where death results).

The Massacre Was a Federal Criminal Act

The facts of the Tulsa Race Massacre of 1921 present a clear case of attempted genocide of Black United States citizens by members of a white mob, many of whom were deputized by the City of Tulsa itself. The continued failure to identify any of the perpetrators represents one of the most shameful incidents in United States history. Instead, in a manner reminiscent of the germinal Section 242 case, *Screws v. United States*,²² murders were committed in the open by white citizens with impunity from criminal prosecution. There is a “substantial federal interest” that “come[s] within the national investigative or prosecutorial priorities established by the Department” in ensuring that it is not one of the parties to the longstanding cover-up of these criminal acts.

The Federal Government Has Jurisdiction

The Emmett Till Act recognizes that the federal government has jurisdiction to investigate if there is a violation of 18 U.S.C. §§241 and 242. These statutes confer jurisdiction only if some individual acts or purports to act under color of state law.²³ A central feature of the Tulsa Race Massacre was that the County Sheriff and City of Tulsa Police deputized civilians to engage in the Massacre. These deputies acted under color of state law. According to the State of Oklahoma Commission to Study the Tulsa Race Riot of 1921, “black Deputy Sheriff V.B. Bostic [stated that] a white Tulsa police officer ‘drove him and his wife from his home,’ and then ‘poured oil on the floor and set a lighted match to it.’...According to one white eye-witness, a ‘uniformed [white] policeman on East Second Street went home, changed his uniform to plain clothes, and went to the Negro district and led a bunch of whites into Negro, houses, some of the bunch pilfering, never offered to protect men, women or children, or property.’”²⁴ Elsewhere, the Commission noted that the Tulsa Police Department deputized and armed male civilians without regard for the safety and security of the African American residents of Greenwood. They kept no record of which civilians

²¹ *Senate Report No. 110–88*, June 22, 2007.

²² 325 U.S. 91 (1945).

²³ *Id.*

²⁴ Race Riot Commission Report at 74.

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were issued weapons. Instead, the police department ordered deputies and non-deputies alike to “go home, get a gun, and get a n****r.”²⁵

In addition, the federal government has jurisdiction to investigate the Tulsa Race Massacre because—as the 2019 book by Randy Krehbiel, *Tulsa, 1921: Reporting a Massacre*, revealed—“the postal substation on North Greenwood had burned.” While that jurisdiction would be limited to homicides that occurred on the substation’s property, nonetheless, such jurisdiction would provide adequate grounds for an investigation.

Finally, the recent Supreme Court case, *McGirt v. Oklahoma*,²⁶ held that large chunks of Oklahoma, which include the City of Tulsa, have remained Creek territory throughout their history: “there simply arrived no moment when any Act of Congress dissolved the Creek Tribe or disestablished its reservation. In the end, Congress moved in the opposite direction.” Both 18 U.S.C. § 1152 and 18 U.S.C. § 1153 (the Major Crimes Act of 1885) provide federal jurisdiction to prosecute crimes committed by or against Indians on Indian Territory. While there is no jurisdiction if neither the perpetrator nor the victim is Indian,²⁷ many of the victims of the Tulsa Race Massacre were Black Indians (and some of the perpetrators may have been Indian as well). In *Alberty v. United States*,²⁸ the United States Supreme Court considered federal jurisdiction over a crime committed in Indian Territory in what is now the State of Oklahoma. The perpetrator was a Creek Freedman, and the victim was a citizen of the United States, not a member of the Creek tribe. Still, the Court held that this fact was enough to establish federal jurisdiction.

Accordingly, whether in virtue of 18 U.S.C. §§241 and 242; the crimes committed on federal property; or its jurisdiction over Indian Territory, the federal government has jurisdiction to investigate the Tulsa Race Massacre and its associated mass graves.

The Perpetrators of the Crime Were Never Held Accountable and Most Have Never Even Been Identified

The Emmett Till Act states as its principal objective the *investigation* of racially motivated crimes. One of the most important outcomes for the survivors and descendants would be to identify as many of the individuals who participated in the violence as possible. While the Tulsa Race Riot Commission tried to identify some of the victims of the Massacre, there has been no effort to identify any of the perpetrators. That is not for want of information. For example, a famous picture represents a man standing with two guns in front of Greenwood, the African American district burned to the ground.²⁹ He has never been named, nor have any of the many other people captured in photographs of the Massacre armed with guns or depicted at the scene.

The failure to identify the perpetrators and the mass graves leaves a lasting democratic deficit for the Black citizens of Tulsa, Oklahoma, and the entire nation. In fact, if we compare the Tulsa Race Massacre to the murder of Emmett Till, a remarkable feature is that while two people,

²⁵ Race Riot Commission Report at 64.

²⁶ 140 S. Ct. 2452, 2468 (2020)

²⁷ See *United States v. McBratney*, 104 U.S. 621, 624 (1881).

²⁸ 162 U.S. 499, 502, 16 S. Ct. 864 (1896).

²⁹ Attached as Exhibit 6.

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Roy Bryant and John William Millam, were indicted and tried for Till's murder, not only has no one even been arrested or indicted for any of the murders in the Tulsa Race Massacre. No one has been conclusively identified by law enforcement as participating in the Massacre.

Missing from the history of the Tulsa Race Massacre are the identities and histories of the white Tulsans who participated as part of the mob. By reducing these real individuals to some faceless mass, they have become invisible. Without an investigation of the white rioters, all we have left is some evanescent, nameless "mob." This failure to identify individuals erases white agency from the Massacre, allows the white community to minimize, misrepresent, and "misdirect" the public about the nature of the Massacre, and in so doing prevents "democratic repair."³⁰

While it is admittedly unlikely that any of the *individual* perpetrators are still living and able to be prosecuted, two other candidates for prosecution do survive: corporations and municipalities. As far as municipal liability goes, there is plenty of evidence that the City of Tulsa deputized citizens to commit the crime. Thus, the City is liable under Sections 241 and 242 of the federal criminal code. While corporations and municipalities are generally immune to criminal prosecution where the only sanction is imprisonment or death, that need not preclude prosecution under Section 241 or 242. However, in an article arguing for federal criminal prosecution of municipal governments, Stuart Green pointed out that:

When a civil rights violation results in the victim's death, the statute provides that the defendant "shall be subject to imprisonment for any term of years or for life"—an enhancement that clearly would not apply to municipalities. This fact should not preclude the possibility of prosecuting a municipality under §242 whenever the victim is killed, however. When a §242 prosecution is brought against a municipal corporation, the penalty enhancement provision simply should not apply.³¹

There is also evidence that some private corporations may have participated in the Massacre. For example, some people used airplanes, including those owned and operated by Sinclair Oil Corporation, to track down and menace, shoot at and kill Greenwood residents by dropping incendiary materials and bombs on the streets, homes, businesses, and people of the all-Black community. Massacre survivor Binkley Wright recalled in his oral history that many of the Black men "who were defending Greenwood [at] Mt. Zion Church were killed ... when airplanes

³⁰ Monica Bell, *Reckoning with State-Sanctioned Racial Violence: Lessons from the Tulsa Race Massacre*, Just Security, May 29, 2021 (<https://www.justsecurity.org/76699/reckoning-with-state-sanctioned-racial-violence-lessons-from-the-tulsa-race-massacre/>). In their podcast on *The History of Slavery*, Jemelle Bouie and Rebecca Onion made a similar point: "the common threads to all of these [myths and the misdirections that emerge in any public conversation about slavery] is an attempt to completely abstract out the people involved. It's easy to dismiss mass suffering, it's easy to look for some way out if this is all just an abstraction." Jemelle Bouie & Rebecca Onion, *The Aftermath of Freedom*, Transcript of the History of American Slavery Podcast (http://www.slate.com/articles/life/the_history_of_american_slavery/2015/10/history_of_american_slavery_episode_9_transcript_the_emancipation_proclamation.html).

³¹ Stuart P. Green, *The Criminal Prosecution of Local Governments*, 72 N.C. L. Rev. 1197, 1221 (1994).

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flew over, dropping bombs or something that exploded and burned everything they touched.”³² When President Biden delivered his speech on the centennial of the Massacre, he became the first federal official to acknowledge the air bombing when he stated, “Private planes — private planes — dropping explosives — the first and only domestic aerial assault of its kind on an American city here in Tulsa.”³³

Limitations of the Commission’s Investigation

The Commission to Investigate the Tulsa Race Riot of 1921 was not designed to engage in a forensic or even a criminal investigation of the Massacre. The purpose of the Commission was, primarily, to acknowledge the scale of the Massacre and begin the process of holding the State, County, and City accountable.³⁴ However, it did not attempt to identify the individuals who participated in the massacre nor determine their criminal liability for their acts. The Commission lacked the power to investigate the location of the mass graves, even though an important aspect of the Commission Report was its acknowledgement that such graves existed. Furthermore, the Commission failed to identify any of the individuals who were members of the rioting mob, some of whom were likely still alive in 2001.

The same is true of the 2003 federal litigation, *Alexander v. State of Oklahoma*, which was a lawsuit primarily seeking damages under 42 U.S.C. 1983 for the destruction of property produced by the Massacre. That litigation drew identified 125 living survivors—more, even, than the Commission had identified. However, most of its facts from the Race Riot Commission Report, and the litigation was dismissed before discovery could commence in earnest.

Furthermore, there continues to be a host of new information discovered since the 2001 Commission issued its Report. Both the Report and the 2003 litigation prompted individuals to come forward with evidence that was not before the Commission. The renewal of interest in the Massacre before and after the Centennial continues to produce new evidence related to victims of the Massacre. As mentioned earlier, only this month, the Dean of the University of Colorado Law School, revealed that she is a descendant of the Black morticians who worked to dredge the Arkansas river of the murdered bodies of Massacre victims. Her evidence alone could lead to new avenues of investigation to help discover the location and identity of Massacre homicide victims.

³² Binkley Wright Interview in Eddie Faye Gates, *Riot on Greenwood: The Total Destruction of Black Wall Street, 1921* (Fort Worth, TX: Eakin Press, 2003), p. 110.

³³ <https://www.whitehouse.gov/briefing-room/speeches-remarks/2021/06/02/remarks-by-president-biden-commemorating-the-100th-anniversary-of-the-tulsa-race-massacre/>

³⁴ *Tulsa Race Riot: A Report by the Oklahoma Commission to Study the Tulsa Race Riot of 1921*, Oklahoma Commission to Study the Tulsa Race Riot of 1921, February 28, 2001, pp. 1-20, <https://www.okhistory.org/research/forms/freport.pdf>. In describing its mandate, the 1921 Tulsa Race Riot Commission prefaced its report by stating that, “[t]his Commission fully understands that it is neither judge nor jury. We have no binding legal authority to assign culpability, to determine damages, to establish a remedy, or to order either restitution or reparations. Commission Report at ii. Indeed, the Commission did not seek to identify the individual perpetrators of the Massacre: instead, the Commission noted, “[l]egislation authorizing this commission directed that it seek and locate th[e] survivors.” Commission Report at 4 (emphasis added).

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Limitations of Current Public Nuisance Litigation

Similarly, the current 2020 litigation, *Randle v. City of Oklahoma*, is primarily a public nuisance suit seeking a remedy of abatement for the ongoing harms triggered by the Massacre, but also continuing to this day. The purpose of our public nuisance litigation is to remedy a collective harm, not an individual one. We do not seek to apportion individual responsibility to each person who participated in the violent white mob that destroyed Greenwood, nor to identify those individuals who murdered each of the 300 or more separate homicide victims on the night of May 31 and the morning of June 1, 1921. The purpose of our lawsuit is to hold various known public and private institutions *civily* accountable for 100 years of injury to the whole Greenwood community, their persons and property. The purpose of a criminal investigation is to identify the individual victims and the unknown individual perpetrators and unknown public and private institutions, to bring justice and closure to families, many of whom still do not know for certain whether their relatives survived the Massacre. The plaintiffs are, effectively, the neighborhood and the community rather than individuals. If granted discovery, the focus of litigation would be on the continuing harms and how they can be abated, not the identity or liability of individual people, corporations, or municipalities responsible for acts of homicide or willful violation of civil rights.

Limitations of Public Records Act investigation

The failure of will—and worse, obfuscation—by the State, County, and Municipal governments to properly investigate and account for the criminal acts of May 31-June 1, 1921 has been revealed, thanks to our efforts to obtain information under the Open Records Act.

Under Oklahoma’s Open Records Act, 51 O.S. § 24A, any citizen of Oklahoma can request copies of administrative and public records. As part of our justice campaign, we have sought records from a variety of public institutions, including (1) at the state level: the Oklahoma Governor, Lieutenant Governor, and Attorney General; the Oklahoma Banking Department and Health Department; the Medical Examiner’s Office; and the Oklahoma National Guard; (2) at the County level: Tulsa County itself, along with the County District Attorney; Tulsa County Sheriff; Tulsa County District Attorney’s Office; and Tulsa Health Department; (3) at the City level, we have sought documents from the City of Tulsa; the Mayor’s Office; the City Council; and the City of Tulsa Legal Department. We have also sought records from Oklahoma State University and the University of Oklahoma as well as the Oklahoma Archaeological Survey.

The Act is intended to increase transparency.³⁵ However, in the process of gathering records, there has been no consistency in process or procedure across these government agencies in their collection or production of their records. Many of our open records requests related to the Massacre have been met with no response. Ultimately, the parties’ non-response to many of these requests has required us to pursue litigation to enforce the production of responsive documents. While some of these problems may be attributable to bureaucratic delay, many seem to involve intentional resistance to engage with past and current liabilities to Black Tulsans. Either way, the

³⁵ The Open Records Act states that its purpose is: “to ensure and facilitate the public’s right of access to and review of government records so they may efficiently and intelligently exercise their inherent political power.” 51 O.S. § 24A.2

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average citizen, without resources or guidance, would face an uphill battle in an attempt to acquire any records, barred by either silence or high fees required for any searches or production of documents. Plaintiffs lack the sorts of investigative powers and resources conferred by a federal criminal investigation, which includes the power to subpoena documents and to question officials under penalty of perjury.³⁶

What is more, the Oklahoma Open Records Act covers *only* public entities and leaves other crucial actors in the 1921 Race Massacre unaccountable. For example, any information or historical records held by the Tulsa Regional Chamber will only be released on its terms. There is thus a need for an external investigation that can demand records from private actors so as to create a full and complete historical record.

Finally, even if our open records requests were to turn up evidence of criminal wrongdoing, an Oklahoma State criminal investigation would be led by the attorney for one of the perpetrators—the Tulsa County District Attorney. They would then be responsible for determining whether to empanel a grand jury or to file charges in the event of any perjury or destruction or fabrication of evidence if the investigation were to be limited to what we can uncover in discovery in the public nuisance lawsuit.

A Comprehensive Scheme of Obstruction

In pursuing our private litigation, we have faced a comprehensive wall of obstruction at the City, County, and State levels, and from various other private and public institutions. There is a pervasive climate of retrenchment in the State of Oklahoma and the City of Tulsa that wishes to re-enter the history of the Massacre, quite literally in the experience of the Graves Commission.³⁷ Nowhere is this government insistence on covering up and repressing historical study and investigation more obvious than in the State of Oklahoma’s recent passage of House Bill 1775, which has been called an anti-Critical Race Theory statute, “prohibiting employees of certain schools from requiring certain concepts to be part of a course.”³⁸ The Oklahoma State Department of Education then adopted Rule 210 §10-1-23 which states, among other things, that “no teacher, administrator or other school employee shall...make part of any Course offered in a public school [materials that cause] [a]ny individual [to] feel discomfort, guilt, anguish or any other form of psychological distress on account of his or her race or sex.”³⁹

On its face, this effort, along with the individual efforts of other private and public institutions, flies in the face of the 1921 Tulsa Race Riot Racial Reconciliation Act of 1921, and its promise to end the “conspiracy of silence” that surrounded the Massacre.⁴⁰ Indeed, there are

³⁶ See, e.g., 18 U.S.C. 1001.

³⁷ “Tulsa race massacre: 19 bodies reinterred as protesters demand criminal investigation,” *The Guardian*, July 31, 2021. <https://www.theguardian.com/us-news/2021/jul/31/bodies-tulsa-race-massacre-oklahoma-reinterred>. See also, Randy Hopkins, “Echo of History: The City of Tulsa’s Mass Graves Debacle,” *The Center for Public Secrets Journal*, 2021. <https://www.centerforpublicsecrets.org/post/echo-of-history-the-city-of-tulsa-s-mass-graves-debacle> attached as Exhibit 7.

³⁸ *Id.*

³⁹ *Id.* at §10-1-23(c).

⁴⁰ Okla. Stat. tit. 74 § 8000.1.

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grounds to believe that the conspiracy is alive and well in the efforts of the City and other local actors to engage in a public relations cover up of their responsibility for the Massacre.

Conclusion

As recently as February 2021, the DOJ reaffirmed its strong and righteous commitment “to pursue justice and to hunt relentlessly for those who participated in one of history’s greatest atrocities, no matter how long it takes.”⁴¹ We simply hope that the DOJ’s expertise and commitment applies equally to the Black victims of the Tulsa Race Massacre as it has been rightly applied the victims of the Jewish Holocaust. This only occurs if the DOJ utilizes the power granted under the Emmitt Till Act and conducts meaningful and objective investigation into the Massacre and Massacre related mass graves.

In closing, we are grateful for your consideration of this matter and would welcome the opportunity to further discuss our request. Please feel free to contact Damario Solomon-Simmons at 918-810-7253 or dss@solomonsimmons.com.

Sincerely,



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⁴¹ *WWII Nazi Concentration Camp Guard Removed to Germany: Man is the 70th Nazi Persecutor Removed from the United States*, Department of Justice, Office of Public Affairs, Feb. 20, 2021, [WWII Nazi Concentration Camp Guard Removed to Germany | OPA | Department of Justice](#)

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cc:

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Equal Justice Initiative

Angela Rye
Principal and CEO
IMPACT Strategies

Damon T. Hewitt
President & Executive Director
Lawyers' Committee for Civil Rights Under Law

Dr. Tiffany Crutcher
Tulsa Race Massacre Descendant and President
Terence Crutcher Foundation

Nicole M. Austin-Hillery
Executive Director, US Program
Human Rights Watch

Chief Egunwale Amusan
Tulsa Race Massacre Descendant and Tulsa Mass
Graves Public Oversight Committee Member

EXHIBIT 1







W. D. NEGRO

KILLED IN CIVIL RIOT - 6-1-1911



A VICTIM
THE

EXHIBIT 2

DECLARATION OF STEPHEN WILLIAMS

STATE OF OKLAHOMA)
 : ss.
COUNTY OF TULSA)

1. I, Stephen Williams, state and declare that I am resident of the City of Tulsa, Oklahoma.

2. I am a descendant of massacre victims.

3. I currently serve as a member of the 1921 Mass Graves Oversight Committee (“Committee”), a committee established by the City of Tulsa to investigate and report upon the existence of mass graves of victims of the Tulsa Race Massacre of 1921, and to identify, if possible, the victims of the Massacre found in those graves.

4. The first site to receive extended investigation was the City-owned Oaklawn Cemetery location near downtown Tulsa where witnesses reported seeing mass graves following the Massacre. So far, thirty-four (34) coffins have been found and twenty (20) remains exhumed from unmarked graves in the Cemetery.

5. One of the remains was a skull with a bullet wound. None of the bodies have been properly identified.

6. At some time in July 2021, just when the Mass Graves Oversight Committee investigation was beginning to get somewhere, and well before the investigation at Oaklawn Cemetery had been completed, the Committee became aware that the City of Tulsa planned to rebury the coffins and remains.

7. The City decided to rebury the coffins and remains even though areas of the cemetery were still untouched, and even though the Committee expected the work in the cemetery to continue for weeks more. For example, 14 of the coffins found in the original search area were not exhumed by the City of Tulsa. Furthermore, the exhumed remains had not yet been fully examined and

neither the Committee nor the City had established a process for locating descendants of any victims identified before they were reinterred.

8. On July 27, 2021, the Mass Graves Oversight Committee unanimously voted to delay any reburial and/or commemoration ceremony until the Committee delivered its report on the mass graves.

9. In defiance of this vote, on July 30, 2021, the City of Tulsa abruptly reburied the bodies, despite the strong objection from Tulsa Massacre survivors, descendants, and the community-led Tulsa Mass Graves Public Oversight Committee.

10. The City of Tulsa's rushed and inconsiderate actions lacked integrity and professionalism, and exposed the City's conflict of interest in investigating the murders committed during the Tulsa Race Massacre the City caused.

11. Given my experiences on the Mass Graves Oversight Committee, I believe that an independent federal investigation is necessary if the victims and their families are to obtain justice.

12. I, Stephen Williams, state under penalty of perjury under the laws of Oklahoma that the foregoing is true and correct.

DATED this 22 day of November 2021.

Stephen Williams

Stephen Williams (Nov 22, 2021 17:00 CST)

Stephen Williams

11-22-21 Stephen Williams Declaration-Final

Final Audit Report

2021-11-22

Created:	2021-11-22
By:	Damario Solomon-Simmons (dss@solomonsimmons.com)
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"11-22-21 Stephen Williams Declaration-Final" History

 Document created by Damario Solomon-Simmons (dss@solomonsimmons.com)

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EXHIBIT 3

HISTORICAL INFORMATION ABOUT THE TULSA RACE RIOT RECEIVED IN
RESPONSE TO NEWSPAPER ARTICLES IN THE TULSA WORLD AND THE
OKLAHOMA EAGLE

JANUARY-FEBRUARY 1999

24 March 1999

1. (REFUSED TO GIVE HIS NAME)

1. About 123 Blacks were clubed and shot to death in the basement of the Convention Hall (now Brady Theater) and buried in a tunnel under the theater. There are three tunnels and they are in the coldest.

2. Heavy equipment was used to bury bodies at northwest corner of South Sheridan Road and East 21st Street. There is something eerie about the location as no business has ever succeeded there. [Note: There were shafts going into the slope at that location for coal mines]

2. Byan Blagowsky 584-5111

He is working with Hannibal Johnson and a man from Bowling Green, Kentucky, on an idea for a program for A&E or the History Channel.

3. Richard Gary 663-5058

He was 7 years old at the time of the Riot. Someone came by their house asked ("recruited") his father and a neighbor to get their guns and go to the shooting. They lived in a new house at 6th and South Yorktown Avenue (556 S. Yorktown). One man took a rifle and the other a shotgun and went to East Archer and Greenwood. The neighbor looked over a brick wall and was immediately shot in the neck and died. The father went home.

Later the father took the family in their car to see what had happened. For some reason they drove south on Lewis and between East 31st and East 41st Streets they saw bodies being thrown in the ravines along the road. The paved road ended at 21st Street. A team of mules pulling a slip was used to cover the bodies. He saw at least thirty bodies of Blacks on a truck at the site. He recalled that there was trouble covering the bodies because of surface rock.

4. Dolores Kendall 627-1839
Her great uncle was a sharp-shooter. He laid on a building and shot at Blacks across the RR tracks.
5. Richard Carter 341-6694
His father told him that he had heard that the bodies were in either brick pits or stone quarries.
6. Eunice McDaniel (nee Howard) 749-9049
She is now 88 years old and lived in Jenks at the time of the riot. She remembers either her mother or aunt taking her down to the old Jenks bridge and standing with a large crowd of people. They could see smoke over Tulsa and she says that she thinks she saw one or two bodies float under the bridge. [Note: I have asked Bill O'Brien to locate some old timers in Jenks who could maybe confirm this story is Ms. McDaniel said that a large crowd of people were on the bridge]
7. Harvey Remington 748-8695
He was a young boy at the time of the riot. He went to a friends house and saw a photograph of a man standing beside a truck that had about 50 Black bodies piled on it. The man was related to the boy's friend. The man had been paid by the City to haul bodies to a grave that was already dug in Newblock Park. The man's name was Harrison and he lived on North Cheyenne.
8. James Harrison 592-1775
This the friend of Harvey Remington. Actually Harrison was older than Remington and was really a friend of Remington's older brother. He told me that his great uncle was a ditch digger and dug sewers, etc. He told him that the bodies were buried in Newblock Park and the Mohawk Park area [Note: Mohawk Park was not built until later, but the land possibly was owned by the City since the new water plant and resevoir lake was just being built at that time] The great uncle didn't say that he had dug any of the graves, but made some reference to the area around the levee [Note: The levee was built between 1935 and 1945]
- Harrison also said that he had heard that the bodies were put into mines in the East 21st and South Yale area.
9. Earl Van Douse 838-7640
His father-in-law who is deceased told him that a "great big hole" was dug "at" or "near" the site of the old Warehouse Market and bodies were put into it. [Note: The site is where McNulty Park had been and is just west across the RR tracks from Oaklawn Cemetery.]

Mr. Van Douse couldn't remember it he was told "at" or "near". [Note: This was fit with Mr. Eddy's boxes with several bodies in them in Oaklawn Cemetery]

10. Wilma Boman 749-2365

She said that Gene Autry (!!!) and a Mr. Losey drove an ice wagon that hauled bodies to a pit in the old fairgrounds. She remembers seeing photographs of bodies, etc. that Mr. Losey had. [Note: I know the Losey family a little. I will contact Jodie Pope who I believe is the last one around to see if she has the photographs. She is about 75 and lives in Tulsa. Mr. Losey's sister was married to a former deceased partner of my father's in the Oklahoma School of Accountancy, Everett Pope. Also, I don't know where the fairgrounds were in the riot days, but I will find out. I believe it was at the Frisco RR tracks and Peoria, but I am not sure.]

11. Doris McGhee 425-9625 (sounded Black)

She takes care of a Miss Jackson who is a 91 year old survivor. Ms. McGhee wanted to know if there was some money due Mrs. Jackson. I turned her over to Eddie Faye Gates and didn't follow up further.

12. Douglas Little (or Reynolds) 756-8751

His first wife's uncle was Eddie Quigley who managed the Coliseum. At his home he had some large photographs of Black bodies stacked on a Model T truck. They lived at 1131 So. Richmond, but the family is all dead now. She said that her uncle told her that some bodies were taken to the City Incinerator and others were buried in Newblock Park. [Note: Sharon King Davis, on the Board of the THS is a granddaughter of Sam Avey who owned the Coliseum and she must have know Eddie Quigley and might be able to steer me to a Quigley descendant, if we want to see the photographs.]

13. Bob Koker 865-2190

When his father was 11 or 12 years old, the family was living in a tent along the Arkansas River. He said the Pedestrian Bridge, but it could have been the 11th Street Bridge he thought. His father told him that he saw two rail cars parked in the center of the bridge. They carried bodies of Blacks. He saw the men throw the bodies into the water not onto a sand bar. He thought there might be as many as 150. He said that the river was muddy and rising since they had to move their tent back several times to keep it from flooding.

Koker said that men from Oakhurst took part in the riot and we might be able to find some old-timer there who

would know something.

14. John W. Haley 584-3577

He knew Reginald Thair (deceased) who was captured and taken to the stadium [Note: Probably McNulty Park] and was kept for two or three days. [Note: City Directory shows him as living at 1320 North Bullette (now Lansing) in 1921.

Haley said that the people living in "The Addition", the area north of Pine, heard of the riot and went down to Greenwood to see what was going on. The National Guard captured them and lined them, men, women, and children, up against the flames and shot them in target practice.

15. Harvey Schell 241-9809

His father, Thomas Lee Schell, was young at the time of the riot, but remembers the family driving around and seeing a bulldozer digging a large trench along East 41st between South Peoria and Riverside Drive and seeing bodies piled into it.

16. George Horn 485-5651

He was 7 at the time of the riot and lived on a farm west of the river on West 51st Street. He had heard that the bodies were buried along the river north of 3rd or 4th Streets. [Note: I mentioned the location of Newblock Park and he said that would fit what he had heard, but his information was only a rumor]

17. David Boone 243-5373

He had worked for the Okla. Natural Gas Co. when the generator was built at 2nd and Frisco and saw bodies dug up there in the construction. I told him that that was the Old Tulsa Cemetery and prior to the riot and could not be riot victims. He did say that after the first couple of bodies, they quit calling the authorities and just threw the bodies back into the holes and covered them.

18. Georgette Eaton 438-1437

I didn't call her. The note was that her grandfather was a survivor so I turned her over to Eddie Faye Gates.

19. Mike Wooten 241-4410

He used to work with Frank Eads, a black riot survivor now dead. Eads had told him that dump truck loads of Black bodies were taken to the Chandler Park area for several days.

20. Lily Wright 425-2599
Sheryl Cherry
Note said that Ms. Wright was a survivor and Ms. Cherry was her granddaughter. I didn't call, but turned them over to Eddie Faye Gates.
21. Mary Ann Hayes 396-0351
She lives in Skiatook and I have had contact with her in the past. She is a genealogical freak and very interested in cemeteries. Her mother ran a grocery store in Avant, Oklahoma, at the time of the riot and carloads of Blacks passed it. One stopped and the people went into the store to buy some food. They told her other that there was a riot in Tulsa. They drove off and Ms. Hayes thinks they went to Pawhuska. She wants us to run something in the Pawhuska newspaper in an attempt to contact some of these people, if they still live there. I will turn this idea over to Eddie Faye Gates.
22. Laura McCoy 744-9740
Note said that her grandmother who is 95 is a survivor. I didn't call her, but turned her over to Eddie Faye Gates.
23. Mark Roberts 250-5340
He worked on a crew that was building a storm line from the fire station in Newblock Park to the river about 6 or 17 years ago. Member of his crew told him that riot victims were buried near the old incinerator.
24. Mr. Clary 742-1926
He is 88 years old. He was 9 or 10 at the time of the riot and lived north of Newblock Park. On the night of May 31, 1921, his brother went to a movie in downtown Tulsa. When he came out he heard of the riot and he and his friend obtained pistols someway. [Note: Mr. Clary didn't say that they were in the riot. The pistol was a .32 caliber. The brother kept it for many years until it was stolen. When the family heard of the riot they moved down to the built up area near the Sand Springs line to the house of a relative for safety. They lived in a wooded area that was apparently rather secluded. After a few days Mr. Clary's father took the family in their two seated buggy to the Greenwood area to see the damage. He knew nothing about burials or deaths.
25. (wouldn't give her name)
A woman who was born in 1927 said her mother had lived at 4th Place and South Lewis at the time of the riot. Her mother told her that the bodies were stacked up on the Katy RR tracks and burned and they could smell the

burning flesh all the way to their house.

The woman also said that her grandparents owned a small grocery store at 5th and South Atlanta. They lived upstairs and their apartment was reached by an outside wooden stairway. When her grandfather heard of the riot, he took his family to the upstairs apartment, tore down the stairs, and stationed himself with a shotgun at the top. No Blacks came by.

26. Chester Palmer 425-3113

In the 30's and 40's he had a milk route in north Tulsa and had been told that the bodies were buried on Standpipe Hill.

27. Thelma Weathers

She had been told of fighting on a hill next to river. When people were killed they fell directly into the river.

28. (wouldn't give his name)

A man said that we should talk with Ed Wheeler. He also said that Paul Harvey had said on a radio show that he saw trucks with bodies passing his house. His mother came out and put her hands over his eyes so he wouldn't see them. [I have written to Paul Harvey]

An old neighbor named Campbell had told him that bodies were buried at East 36th Street and South Peoria Avenue.

29. Sharon Carson 299-6116

She said that her mother told her that her grandparents had stood on Standpipe Hill and saw box cars with bodies in them.

30. (a woman who would not give her name)

Her grandmother who was born in 1890 had told her that the bodies were dumped into the river.

31. Sid House of Catoosa

He is 80 years old. He said that truckloads of bodies were taken to the strip pits along Apache and covered. He said he was told this by men who had seen it. [Note: There were strip pits along Apache] [This might fit with the story of Joseph Johnson #86]

32. John Johnson 865-3036

He was born in 1938. He said that his step-dad who was born in 1900, but is now dead, of course, told him that bodies were taken to Newblock Park where some were thrown into the river and others were buried between

the ball park and the old swimming pool.

33. Joe Welch 583-2863 or 241-9809

He is in business with Harvey Schell (#15 above). I talked with Mr. Schell and he said that there was another man who had some information, Joe Welch. Mr. Welch said that his father lived on the 3rd Street hill just east of Newblock Park. He said that his father told him that he saw two or three trucks loaded with bodies going towards Newblock Park. He said there were two burial sites in Newblock Park. One was about where our location is and the other was at the west end of the park between the buildings and just across the street from the Detention Center. They were both along what is now the levee. His father had pointed these two sites out to him many times.

Welch took me to the two sites. The first is directly south of the old swimming pool in Newblock Park across the levee between the river and the levee. The other site is farther west at the end of the park south of the first commercial building and across the levee between the levee and the river. There was once a dirt road leading from Charles Page Boulevard down to the river at this site which was used by a Reo and an Overland truck to haul the bodies. The hole was dug with a slip behind a mule. The other site to the east may have had a dirt road leading to it, but he couldn't remember.

He also recalled that an old man he knew once told him the the blacks had an old machine gun, but it wouldn't fire.

34. Teresa Crimmins 496-1440 or 583-6930

She knew a man whose father owned the Standard Grocery Store on First Street at the time of the riot told her that trucks with bodies were taken to behind Reservoir Hill where there was a mass grave. She said that she would try to reach this man for more details.

35. Clyde Eddy 743-2262

He was ten years old at the time of the riot. He lived with his parents at 10th and Quaker, not far from Oaklawn Cemetery. Three days or so after the riot, he and a young playmate were cutting through Oaklawn while on their way to visit Mr. Eddy's aunt. Near the southern edge of Oaklawn, they came upon a work crew-composed of white men-which also included a team of mules. Using the mules and a slip or scoop, the men were digging out a long, deep trench which ran east and

west, not far from the edge of the potters' field. Scattered about the area on the north side of the trench, where five or six large wooden crates, the kind that oil field equipment was packed in. There may have also been a piano case. Mr. Eddy and his companion lifted up the lid of one of the crates and viewed the corpses of three black men inside. "The smell was horrible", he recalled. They then looked into a second crate where he remembered, perhaps, five bodies were held inside. At about this time, the two boys were discovered by the work crew, who chased them away. But, Mr. Eddy and his companion merely went on the other side (that is, along what is now Eleventh Street, but in 1921 was Tenth Street) of the iron fence surrounding the cemetery. They sat down and watched the men work for awhile and then went on their way.

36. Sam Beryl 428-7175

His grandmother and grandfather lived in Tulsa during the riot and they always said that there was a mass grave on Cincinnati Hill (36th Street North and North Denver) where the old drive-in theater used to be.

37. Carol Watteau 486-4379

When she was a nurse intern at St. Francis Hospital in about 1978 she sat with a man who was about 70 years old. He was dying and was worried that the doctor was Japanese. He said he hated Japanese. Later he told her that he had been in the riot and had shot many Blacks. He said hundreds of them were buried under the railroad. He mentioned the RR station. He was proud of this and said he would do it again.

38. Pat Gordon 492-3278

He is 54 years old. His father who was 8 or 9 at the time of the riot lived at 4th and Phoenix. He said loads of bodies being taken to the City Incinerator.

He said that Mr. Gary worked at the Incinerator.

39. Mr. Thomas 358-3267

His grandfather had a bottling plant in Cleveland and was at the bottling plant at the viaduct on 3rd Street at the time of the riot. He saw several trucks full of bodies going west on 3rd Street. He was told that the bodies were dumped into holes for piers and covered with concrete.

40. Gary Mills 834-9952

He has lived in Tulsa since 1967 and is moving away at this time. About 12 years ago a man who was working for him and who was about 70 years old told him that the

bodies were buried along RR tracks north of 11th Street.

41. Ennis Anderson 485-3052

His grandfather had a stone company with several big trucks. His father was a truck driver. The trucks were taken over and forced to haul debris and bodies from the Greenwood area to abandoned mines in the West Tulsa area. His father refused to carry bodies after a couple of loads and only hauled debris after that. His father was born in 1909, but knew how to drive quite young. The hauling went on day and night for about a week.

He said that he had several great uncles who were in the KKK and proud of it. They regretted missing the Tulsa riot and went to one in Muskogee. They would talk of riding on the running boards of Model T's and shooting Blacks with their shotguns and watching the bodies jump when they were hit.

42. Sharon Key 918/825-555 ext. 43

Her father-in-law had been thrown out of the house and lived in an alley during the riot. He told her that he saw bodies piled on flat car which was taken to Jenks and buried in a hole in the sand.

43. Mr. Coffman

His mother was an elevator operator at the Mid Continent Building. She told of seeing bodies hauled out to town

44. Ken 590-1585

He was in the Army Reserves in 1964-65 which met at the Reserve Building on the Fairgrounds. It was common knowledge there that bodies were buried under the building. Jesse Beecham was the Sergeant in charge of the building.

45. Jack Richardson 367-5814

When he was about 18 or 19 he worked for the Layman Construction Co. that was widening First Street between Elgin and Greenwood. The uncovered bones on the south side of First Street in that area and were told that they were of riot victims.

46. Wendy Owen 298-9972

She wants to volunteer for our work. She has a degree in Sociology and offered to help raise money. I referred her to Dr. Blackburn and Eddie Faye Gates.

47. David Mead 832-0491

His father was a "big oil man" who lived at No. Denver

and Haskell. His father told him that flat bed trucks with bodies were taken to the river and the bodies dumped and other loads were taken to Newblock Park where the bodies were buried in a sand bar. He was told 6 trucks or so took part.

He also heard that victims were buried under what is now the traffic circle at East Admiral and Mingo Road.

48. Ron Rice 341-0552

He works for the Okla. Dept. of Transportation. He said that he heard that the bodies were buried in a coal pit south of Collinsville. He referred me to Bill McKay who had told him.

49. Bill McKay 198/253-6137

He lives in Jay. He is a retired fireman from Claremore. Before that he had a service station in Claremore. He said that D.C. Aldridge, a mechanic, was an eye-witness to this. Aldridge is dead, but he gave me the names of his sons.

50. W.M. Aldridge 918/341-0505

He had not heard the story that Ron Rice told. He referred me to his brother, Dr. Warren C. Aldridge 664-2026, a dentist. Dr. Aldridge was not at home when I called.

51. Delphina Simmonds 622-2993

She had heard that the bodies were in mines NE of the intersection of 21st and Yale.

She had also heard that some bodies were thrown into the river.

52. Terry Wyble 834-6202

His lady friend in Tulsa (wouldn't give her name) had a grandfather who had helped to pick up bodies at the river and take them to the NW corner of the intersection of 21st and So. Yale ("Big Splash")

53. Barbara Jenkins 918/224-3241

She told me that there is another Black cemetery west of Booker T. Washington Cemetery and her grandmother is buried there. This is a new one for me. It would be where the Episcopal Church now stands.

54. J. Marvin Covey 747-5167

At the time of the riot he lived at 19th and Quincy and was 12 years old. The police came by the house and told his mother to keep the family in the house as 5,000 Blacks would be passing by on the way to Boynton. In

1923 the family moved to 1216 S. Indian. There was a ravine at Houston that McMichal Concrete purchased. They filled the ravine with sand that they pumped from across the river at their dredge site at the west end of the 21st Street bridge. He and some friends were paid a penny a brick to clean bricks that dump trucks brought to the site. Drivers told him that 100+ bodies were buried in the sand bar at the other side of the river where the dredge was.

His older brother drove a jitney and went to the Greenwood area to see the destruction. There was a 2-story hotel on the north side of Archer just west of Greenwood and the owner had amassed an arsenal.

He knew a boy who was later the bookkeeper for the Thomas Hardware Store. It had been broken into and guns stolen. There was a .45 bullet lodged in the door frame and they left it there for years and pointed it out to customers.

55. Steve Rose 587-0893

He had heard that dump trucks carried bodies to open pit mines between Catoosa and Claremore.

Rose was a student of Eddie Faye Gates and he gave her some additional information. His grandfather (E.A. Rose) was employed by the Carter Oil Co. which was later purchased by the Halliburton Oil Co. (?). He and his wife lived in Turley and on Jun 1, 1921, a son, Rose's father, (Elton A. Rose) was born. E.A. Rose had to get a doctor and the route led through the Greenwood area. For many years Stephen Rose said that his father told him that many bodies were taken to open pit mines between Catoosa and Claremore. He thought it was common knowledge. He wondered if his grandfather's job with Carter Oil Co. would give him access to company trucks.

56. Lewis Teeter 918/825-2471

He is an Odd Fellow in Pryor. He had noticed the grave marker in the newspaper and called to say that it was an Odd Fellow marker. He didn't know that there had been Black Odd Fellow Lodges. He gave me the names and addresses of the Odd Fellow State offices in Oklahoma City.

Clarence Courtney (secretary)	1-580/357-5578	no
Cecil Manney	1-405/631-1761	no
Esther Stringer (editor)	1-580/355-1695	no
Lavonne Lawson	1-580/336-4093	
	1-877/336-4076	
Currie Ballard	1-450/466-2932	

[I have written to the black IOOF HQ in Philadelphia]

57. Barbara Turner 251-4488
She wanted help in locating the grave of her mother who had died in 1939/40.
58. Mildred J. Conners 585-9777
She is 90 years old. On the night of the riot she was at her high school graduation (Holy Family) which was being held at the Coliseum. Father Heiring of Holy Family came on to the stage and told the graduates to return to the school. They returned by street car. At the school she saw Father Heiring and Mr. Detreich, his assistant, making pallets in the basement of the school for Blacks. The children were told to go home and come back in the morning with soup for the Blacks.
59. Marilyn Staton 641-4039
Her doctor (Mr. R.Q. Atchley) told her that when he was an intern at Hillcrest Hospital at the time of the riot, the rooms and halls were filled with injured. Whites in cars drove around shooting any Blacks they saw. He saw RR cars in the park across the street with bodies in the. The bodies were dumped into a mass grave in the park [Note: He may have meant the street car line that ran about two blocks west of the hospital] [Dr. Atchley had two adopted children, one of them is the actor John Ashley. Dr. Atchley apparently is dead now, but John Ashley might have some information if we could locate him.] [I have written to the Screen Actors Guild for his address]

I heard back from the Screen Actors Guild. John Ashley who was born in 1934 died on October 4, 1997. Based on his year of birth I thought he might have gone to Tulsa Central High School, but found out that he went to Will Rogers High School. Bill Welch 584-7474 was a personal friend of John Ashley. He said Ashley had sister who was the other adopted child, but she also is dead.

I learned that Dr. Roger Q. Atchley was born on July 17, 1890, in Lebanon, Missouri, and died in Tulsa on November 25, 1978. He attended medical school at the Eclectic University of Cincinnati graduating in May 1917. He did his internship and residency in New York City. He came to Oklahoma in 1920 and received his Oklahoma medical license on December 13, 1920. A newspaper article about him in the files of the Tulsa Medical Society reports Dr. Atchley of only mentioning the Physicians & Surgeons Hospital in his early recollections of Tulsa. That is probably where he was during the riot.

I called Marilyn Staton back to see if she could give me any additional information. I read her what I had taken down and she said that was all she remembered. I was hoping that she could recall if Dr. Atchley had actually said the RR tracks and park were near the hospital or someplace else, but she couldn't recall anything different.

60. Dan Creel 665-0241

His grandparents lived at Oneta at the time of the riot. His grandmother told his father who told him that she saw one or two days after the riot she saw RR cars carrying bodies pass on the RR line going towards Muskogee. [Note: This is the Katy line]

61. Karen Barron 743-6174

She said that her husband's grandfather told them that bodies were dumped in mines at 21st and S. Yale.

62. Curt Barron 749-7904

He said that his wife was wrong it was 21st and S. intersection. He told them this several times. He was an honest man and not one to make up stories. [Note: The Katy RR line goes right through this area.]

63. Mary Barron 627-5742

She is the mother of Curt Barron. She said that her father-in-law was video-taped before his death and talked about the riot. The tape is in the bank, but she would get it out and let us look at it.

64. David Brown 583-5357

He sounds in his late 20's. He had talked to a former Sexton at Oaklawn Cemetery and was told the the two riot victim markers were not placed on their graves because no one knew where they were buried.

I talked with David Brown again to see why he was so interested in Oaklawn Cemetery. He said that he has some family members buried near the "Jim Crow" Line and had seen the grave of the white baby near that line. He said that the Sexton just mentioned the placing of the riot victims and told him that there were graves in the far SW corner of the cemetery. He said he didn't know whether the Sexton had seen the burials or had just heard it, but he was an elderly man. He does know his name.

65. (don't know who called this in)

The bodies were picked up in dump trucks and put into a hole between Sand Springs and Tulsa. The note which was given me by the Cultural Center also had the names of

Charlie Sanders-Mayo Hotel and Tuffy Johnson- Miller Pontiac. It also mentioned that this information was given about 30 years ago.

66. Joe Hurd 342-4873

He only knew of a Black survivor living in Shreveport. He was a waiter at Smith's Cross Lake Restaurant and he thought that the name might be "Nims" but was not sure. The man's daughter may have moved back to Tulsa.

67. Lillian Lough 496-8137

Her grandmother was a Mexican who came to Tulsa in 1917 with her first husband. He was born in Monterey, Mexico, in June 1900 and was a Chef at the Hotel Tulsa. The grandmother worked in a cafe on East Archer. When the riot broke out she saw two young black boys running west along Archer and a two-seat airplane was following them flying low with a man in the back seat firing a rifle at them. She could see that the men were white. She ran out and grabbed the boys and hurried them into the restaurant. She was light-skinned and apparently the man in the airplane thought she was white and did not fire on her. After the riot was over the boys left to go home, if they could find it.

Her name was Maria Morales, but she is not listed in the 1921 Tulsa City Directory nor a Morales who worked at the Hotel Tulsa. There is a cafe in the directory owned by Joseph Nerra at 328 East Archer which I think would be between Detroit and Elgin. Mrs. Lough will find out where it was exactly, she knows. She also will ask her mother more about it. She does not think the cafe was destroyed in the riot, but will ask her mother.

Mrs. Lough said that her grandmother told of seeing blacks hanging from trees. Bodies were hauled away in wagons, but she did not know where they were taken, but thought it must be to the river.

68. Lahoma Wilson 288-7503

Her father was a Cherokee Indian. He went to an Indian school at Pawhuska. He and some of his school friends enlisted in the National Guard. After graduation he lived on his allotment in Mayes County on the Grand River, but his mail address was Wagner. His National Guard unit was called up and he was sent to Tulsa. He told her that the scene was "terrible". He saw blacks who had been dragged by cars. He told her that bodies were taken to a "big trench not far away" where they were buried. He said there were "a lot" of bodies.

69. (man who would not give his name)
He left a message on the Tulsa Historical Society answering machine. It stated that he felt the work of the commission was "self serving" and that the real intent of all of the historical research was merely to sell books.
70. Sue Garner 341-6703
Her grandparents lived at 1512 No. Quincy at the time of the riot. She was told about 40 years ago that the blacks fled the city along the RR tracks. Many were killed at Crystal City by snipers hiding of the roof tops in Red Fork. The number killed was not known, but it ran from 30 to 50 and they were buried in a mass grave in the area. [Note: An old timer told someone who told her]
71. Paul Wells 425-4517
His father was a fireman at the time of the riot and was stationed at Station #2 on North Main. He told him that when the fire alarm rang they drove to Archer and Greenwood to fight a fire, but were told to let it burn by armed white civilians and they returned to the station. He said that he had seen two flat bed trucks with bodies heading towards Sapulpa! [Note: They would have had to cross the 11th Street Bridge, so they may have just been going to the river-Wells knew only what his father had told him]
72. (unnamed sewer worker at the Newblock Park project)
He said that Sam Barton was a white Minister with a church at North Norfolk and East Pine at the time of the riot. Sam had to haul ice from the ice plant one way and return to the plant with bodies. [Note: The ice plant must have been the one at the east end of the 11th Street Bridge and he was hauling bodies to the river.] Same Barton's son, Gene Barton, is still alive and has an office at the Barton Construction Co. at 2702 North Sheridan (835-8491). I went to see him, but he is on vacation.
- I finally talked with Gene Barton. He didn't know anything about the story above. His father was a bricklayer and didn't become a minister until later in the 1920s. His brother, Will Barton, was the minister at the Church of God at the above address at the time of the riot, but Gene Barton had never heard the story from him.
73. Glenn Ullman 316/251-8540
His great grandmother told him that bodies were hauled

to the river and the wagons just backed into the water and let the bodies float off.

His great uncle, Lyman Nims, fought a black on a roof during the riot and threw off.

His grandmother told him that his great grandfather belonged to the KKK, but didn't think he took part in the riot. The only KKK event she remembered him taking part in was the beating of a white man who had beat his wife. The man was tied to a fence and beaten and threatened with death if he beat his wife again.

74. Eddie Faye Gates told me that a Dorothy Williams (446-8219) has a father or grandfather who was killed in the riot buried in Oaklawn Cemetery. The family goes out each year and puts flowers on the grave. He died on June 21, 1921, of wounds suffered in the riot although the records say he died of syphilis His grave is somewhere around the trees on the "Jim Crow Line" as best Eddie Faye could recall, but I can get better information from Dorothy Williams.
75. Bonnie, the Director of the Tulsa Garden Center next to the new Tulsa Historical Society building, told Mary that she has a great uncle living in Chicago who was the driver for the head of the Red Cross in Tulsa during the riot. She said that he is sharp and alert and will get me his name, address, and telephone number.
76. Virginia Styles 446-5842
Her great grandfather (Charles Mac Henry) started a trash hauling service in Tulsa before the riot. Her father (John Laughlin) was a private trash hauler at the time of the riot. He had a team and wagon. His father was forced to haul six bodies to a hole in a low place in Oaklawn Cemetery. He didn't want to do it, but a deputy sheriff rode along with him.
- She said her father told her several times that some bodies were put into a big hole on North 33rd West Avenue off of West Edison.
- She said that there was a big mexican community at the time of the riot just west of the over I-244 in West Tulsa. She said it was where the RR yards are south of that bridge.
77. Alva Smith, Jr. 299-6440
His father was a white participant in the riot. The family had come to Tulsa just after the turn of the century. The grandfather had some from Arkansas. His

father was a mule skinner in the Glen Pool oil fields. He let himself be talked into getting a gun and going into Tulsa. He and some friends ran into some fleeing blacks on a bridge (he is unsure which one) and a gun battle took place. The blacks were killed and some of the bodies were thrown into the river and others were buried along the river bank. His father was born in October 1890.

Smith called back today and said that his mother is still alive, but she only knows what he told me. He did say that he has aunts who might know more. He has no connection with them. Judy Allen at 800/281-7803 can direct me to her mother Aunt Ruby and also to Aunt Clyta Edwards (Mrs. Ed Edwards). Her phone is 665-0901 but it is disconnected. Judy's father was blind at the time of the riot and probably didn't take any part, but he may have heard about it and passed it on to his wife. Clyta's daughter is Mildred (Mrs. Bill) Edwards of Tulsa. We should refer to Smith as A.J. Smith. His father was known as Uncle "Alvie". Judy Gay Smith Allen's husband is Harry Allen who lives 17 miles south of Bristow highway 48 and 10 miles north of Castle. He collects wrecked Volkswagens and there was a newspaper article about him in the Tulsa World on January 25, 1999. The writer was Ralph Marler and he gave Smith the 800 number above for the business. Smith couldn't find any listing for them in the telephone book.

78. John Eggleston 405/619-9220

His grandmother who was born in 1892. She put her son in a closet and covered him with a mattress when she heard of the riot. They lived at 508 S. Boulder at that time. This would put it in the same block as the Court House, but on the other side of the street. She was Mrs. O. Emmet Eggleston. Tulsa taxi drivers arrived and blocked in a mob of blacks who were going north of Boulder.

79. Lee Chapman sent an E-mail letter to Eddie Faye Gates. She doesn't know him and we only have his E-mail address. He claims that there is a photograph of Sheriff (sic) Gustafson at a KKK parade. It was published in a book entitled Hooded Americanism by David Chalmers. Chapman's E-mail is Lee Chapman novasp@msn.com.

80. (white woman who would not give her name)

She is an elderly woman. At the time of the riot her mother lived out by the strip pits near Yale and Pine where she later said a large steam shovel ran for three

days and nights following the riot burying riot victims.

81. Allen Yowell 622-3691

He said when he was young and in a barbershop between about 1950 and 1955 he heard an old man bragging about the riot. He said that he and another man had gotten an airplane and some dynamite and had flown over some blacks fleeing along the RR tracks that cross Pine Street. (Either the Midland Valley or the Santa Fe) The plane was a two-seater and while one man piloted the other dropped dynamite on the blacks below. He doesn't know who the man was or exactly which RR tracks he was referring to. He said the man was bragging, but he doesn't know if the story was correct or not.

82. Glen Miller 918/825-4451

He had heard from two "old-timers" who he didn't think knew each other that the bodies were buried under the armory at the fairgrounds. He may be able to remember the name of one of these men and will call me, if he does.

83. Jo Berry 299-1441

She writes historical articles for the Jenks Journal. She had never heard the story of the people standing on the bridge and seeing the smoke of the riot nor any bodies in the river. She is a 1963 graduate of Tulsa Central High School. She referred me to several people:

Cecil Crane's wife - 299-5395

The wife's father ran the first ferry over the river at Jenks.

Steve Eaton 299-9683

His grandfather started "Parker Square?" in Jenks.

Mrs. Mayo 299-5229

She was the first editor of the Jenks Journal before it was sold to the present owners.

Bill Carey

He was the first law enforcement officer in Jenks. He has not been in good health so we should contact his son, Dr. Carey, a veterinary, at 322-3015.

84. Jim Dwen 294-4014

He is the Assistant Deacon of All Saints Church (Anglo-Catholic) which is just west of Booker T. Washington Cemetery on 91st Street. His family moved to Tulsa in 1908 and lived at 1401 S. Main. He said his mother told him that she saw a flat-bed truck filled with armed blacks pass the their house going north on Main Street.

He said that he had been told that black influenza victims were buried in the area where their church now stands. The landowner and permitted these burials for blacks who could not afford cemetery burials. The bodies were just wrapped in sheets and buried. He said they never saw any remains.

85. Heath Henry 712-9484

He is the Assistant Curator of the Tulsa Historical Society. He told me that there used to be and may still be an elderly black man in the PR Department of UCAT (Rogers University) who was planning to make a video program on the riot at one time. He had had us get out photographs for him, but the never picked them up. He had told Heath that at the time of the riot he and some other armed blacks were driving in from the Catoosa area and as they passed some white men standing by the road, he shot and killed one of them. He moved to California after that, but when he returned to Tulsa, he always cried when he passed that spot on the road. Heath thinks he can come up with the name and will pass it on to me.

Heath remembered the name of the man who had told him the story. It was Kavin Ross (594-8356). I talked with Kavin and he said the story is as Heath had said except the man was coming the Vinita area and not the Catoosa area, but he did have to go through Catoosa on the way. He thinks the man is dead now.

86. Joseph Johnson 425-1213 (w) 425-0128 (h)

He is possibly black. He said that he had talked with many survivors and descendants of survivors and they all said that the bodies were buried at a brick yard on the south side of East Apache just west of North Utica. He described it as being between St. Augustine Catholic Church and the warehouse to the west and across the street south from American Beauty Products. He didn't say who he had been talking with.

I went to the site and it did appear that a brick business had been there. There were broken bricks on the ground, but I couldn't see any brick pit where the clay would have come from. Between the church and the warehouse is a large level clear field which could be the location of a pit that has been filled it, but I couldn't be sure. I talked with Father Jackson at the church and he didn't know anything as he was new, but he said that he would ask some of the old parishioners and see if he could find the site of the pit. He has my number.

I looked in the brick book at the Tulsa Historical Society and could find no brick plant listed for that location. I looked in the 1953 Tulsa City Directory and saw that the Holloway Wrecking Co. was at that address that year. It sold used building materials especially bricks. This might explain why there were bricks embedded in the ground. I don't know when it opened at that location, because the Tulsa City Directory only listed property within the City Limits and that was the year that site came into the City of Tulsa.

87. Lee Chapman 599-7306 (h) 832-9823 (w)

He is probably in his late 20's. He didn't graduate from high school. He had some courses under Eddie Faye Gates at Edison. He works for the Nova Screen Printing Co.

He said that Scott Dingman who owns the Oaktree Book Store on East 15th knows a woman who has come KKK material. He also said that the man at the antique store at South Peoria and East 13rd that we went in to has a KKK receipt book.

He mentioned that the Tulsa Chapter of the African Blood Brotherhood was mentioned on page 26 of by "Halberson".

He gave me a copy of "The "Knights of Liberty" Mob and the I.W.W. Prisoners at Tulsa, Okla."

88. Paul Wilson 249-1475

He said that his grandfather was Frank Woodberry who was Treasurer of the Salvation Army in Tulsa at the time of the riot. He referred me to his mother, Eldora Kirsch 836-0855.

89. Eldora Kirsch 836-0855

She is 90 years old. Her father was Frank Woodberry, Treasurer of the Salvation Army at the time of the riot. She said that he was always very sad about the riot. Blacks were taken to McNulty Park on trucks. Her whole family worked at relief of riot victims by getting clothing, and food. Frank Woodberry's father was a noted doctor in Girard, Kansas. He was from England. She never saw any bodies. Her father worked very long hours during the riot.

90. Dan Wells 628-0309

He is a former policeman. He had called to say that the marker in Oaklawn Cemetery was a Elks stone. I told him that it was an IOOF stone. He said that he had lived in

the IOOF Home at Checotah and never knew that there was a separate black IOOF group.

91. Marsha Campbell 425-9411
 She is a black woman. The thought that some burials might be in Crown Hill Cemetery. She said that the brick used in the gate towers at that cemetery came from burned structures in Greenwood. I told her that I didn't believe that that cemetery opened until 1930 or 1931. She did not agree and I said that I would recheck my information. She thought that the cemetery had been put into trust by Mr. Hastings, a white man, because there were riot victims buried there.
92. Mrs. Kenton 743-9140
 She is 82 years old. Her family lived on the SW corner of East 13th and South Norfolk. Her father heard that blacks were on the way by car from Muskogee and would be going down 10th Street. He kept the family inside and stationed himself on the front porch with a shotgun. No one came by. The family hid their black main in the basement. Later the maids husband called. He was hiding on the north side of Reservoir Hill. Her father went out and got him and hid him in the house also.
93. Margaret Anderson 249-9536
 She is 87 years old. Her father was Wildred Dickinson, a contractor. They lived at 537 No. Cheyenne at the time of the riot. Her father went to McNulty Park and found Charles Mason, his black foreman, and they got all of their black employees and their families and took them to the Dickinson house. He also tried to find more of his employees in North Tulsa. They had so many survivors in their home that they filled a three car garage, the basement, and many of the rooms in the house. She remembers the little children running around. She saw bodies "stacked like cordwood" on trucks. I asked her did this mean that there were several layers and she said yes. She saw a dead black man near the Katy RR and everyone who passed it took a shot at it. Her father's lawyer, a Mr. Cornelius, walked around the side of their house on North Cheyenne and was struck in the elbow by a bullet.
- She was born in 1911 when the family lived in the 300 block of North Elgin. They then moved to the North Cheyenne address. Later they moved to 3647 South Peoria. The left this last address in about 1930. Her father was a successful contractor and built the old Springer mansion, the Travis house where the Tulsa Garden Center now is, the Orpheum, Majestic and Palace

theaters, the Breene house and a house for a rich Indian, Sam Charlie for which green glazed tile was obtained from Italy. The family was from England and Margaret was the only one born in the U.S. Their house in South Peoria was a 2-story brick house with a fountain in the front. It was about where Best Electric is now at 36th Place and South Peoria. The house just south of them was owned by a Mr. Blackman. It stood where the Channel 2 station now sits. Their house was razed a few years after they moved out of it. She went to the Sequoyah School as Eliot was not built then. She rode the Jenks bus to school. Her father's architect was H.H. Mahler.

94. (white man who would not give his name)
He said that during the course of the urban renewal in the Greenwood area, a number of riot victims' gravestones were discovered. The headstones were then put into the trunk of a car owned by a city official and removed from the area. This man said he was told this by a bulldozer operator who witnessed the removal of the headstones.
95. T.K. (Tom) Boydston 596-1713
He is a fireman in the station on West 41st Street. He said that he had heard that the bodies were in a pit at the Fairgrounds. A tractor was taken out there to dig the pit.

He also said that he had heard that some bodies were buried in a culvert on Cincinnati Hill.

I asked him if he would ask around and see if he could find out anything about an abandoned mine in West Tulsa. He called back and said that one the fireman at his station had been told by retired fireman, A. H. Cook, that the debris from Greenwood was dumped into an abandoned mine at Newblock Park at what is now the backstop at the ball park.
96. J.D. Quisenberry 274-8721
His father founded the Phoenix Avenue Baptist Church in West Tulsa. He told him that wagon loads of bodies were dumped into the river.
97. Mickie McVay 298-4015
His father was 12 years old at the time of the riot. His mother is still alive. His father had told him that dump-truck loads of bodies were thrown into the river.
98. Cleo Quigley 476-5543
In 1949 he was employed unloading logs from a Midland

Valley RR car at East 9th and the Midland Valley tracks. There was a millwork company there. An Midland Valley employee named Abernathy was the freight agent and had been with the railroad at the time of the riot. He told Quigley several times that a Midland Valley flat car loaded with bodies went south on the line from about Pine Street. He always said that the bodies were laid out head to head on both sides of the car and estimated that there were 50 or 60 bodies. As Abernathy was at the freight station downtown, he didn't know where the bodies were taken, but only that they went south on the track. This line ran between the Oaklawn Cemetery and McNulty Park (Warehouse Market) and on south to cross the river at the Pedestrian Bridge.

99. Dan Satterfield 446-5876

He is 62 years old. As a boy he lived on Virgin Street near the Midland Valley RR line. Virgin Street was dirt on the west side of the tracks and paved on the east side of the tracks. Blacks lived on the east side and whites lived on the west side. Both black and white boys would play together and he would go into the Greenwood area which he called "Colored Town" to buy cokes. Virgin Street was blocked on each side of the tracks by upright RR ties. The boys would play on the RR right-of-way between the two ends of the street. Once he and his friends dug up a rifle, a bugle, and some other military type gear in this site.

He remembers seeing some riot photos. One of them showed black bodies stacked up to the bottom of the sign at the Sand Springs Railway Station on Archer. He estimated the stack may have been as tall as 12 feet. (see attached photograph of the building). He also saw some bodies on a truck and estimated now that there were ten to twenty bodies. They had their shirts off, but were wearing trousers. His uncle told him that the bodies were taken to Newblock Park and tossed into the river.

His father told him that he was going to Cleveland, Ohio, at the time of the riot. He was on the train and it made an unscheduled stop in north Tulsa and a group of armed blacks got off. He didn't know what was happening until he got to Cleveland read about the riot in Tulsa.

100. Yvonne Litchfield (Tulsa World)

She still believes only 40 to 50 people were killed. She bases this on the fact that her father was at Dick Bardon's Sporting Goods Co. at 1st and Main and didn't tell her that there were many bodies around. She also

didn't think any great numbers of people could have been killed without that becoming known in the community. She thinks that many of those we consider riot deaths actually died of influenza.

101. Anonymous

As a girl she had always heard that the bodies were buried in Rose Hill Cemetery.

102. Mary Clary 417/881-3733

She only wanted to know how to get a marker for the site of a black who was lynched in Springfield, Mo. in 1906.

103. Tom Maxwell (Bacone College) 918/683-4581 ext. 372

He is related to the late Morton Harrison who is in the Okla. Hall of Fame. Harrison told Maxwell's father who was born in 1921 that the bodies were buried in the strip pits NE of Tulsa along Apache. There a steam shovel at the site that had been used in digging the Panama Canal. He suggested that I talk with a relative, Dale Harrison. (see attached map of strip pits in Tulsa County)

There were three brothers, John A. Harrison, the father of Dale Harrison), Morton Harrison, and Harry Harrison. John A. Harrison was house manager for the Ralph Talbot theaters in Tulsa at the time of the riot. I believe the Majestic was the only one then. Morton Harrison was house manager of the Strand and Lyric Theaters at that same time. Harry Harrison was in the florist business. A Maxwell woman married a Harrison so the two families became intermingled.

Tom Maxwell thought that he had heard that John A. Harrison was wounded in the riot.

Tom Maxwell teaches horticulture at Baconne College. The Maxwell family is full of florists. Former Mayor Jim Maxwell of Tulsa is of that family. A Floyd Maxwell, florist, is on the KKK list at T.U.

104. Dale A. Harrison 251-8947

His father was John A. Harrison who was 18 years old at the time of the riot. His father and Morton Harrison always said that the bodies were dumped in the strip pits on East Apache between Harvard and Sheridan.

John A. Harrison did get involved in the riot, but was not wounded and never talked about what he did. He was an 18 year old adventurous boy and just went along for the excitement.

Dale A. Harrison never heard of a black being killed in a theater.

Dale A. Harrison was born in November 1921.

105. Diana (Mrs. Stan) Aaronson (Fenster Holocaust Museum)
(h) 583-7851 (w) 294-1366

She told me that a black man was chased into the backyard of her father-in-law, Abraham Freed, who lived at 329 East Independence, and was shot by a gang of whites. He had immigrated from Latvia and knew pogroms and just left the body.

106. Stan Aaronson (same numbers as above)

I started thinking after Diana had told me this and called back to ask who removed the body from the yard. He said that he had never heard that story and referred me to his aunt, Ann Weisman nee Freed.

107. Ann Weisman 742-1050

She had never heard the story of the black being killed in the backyard. She was about 8 at the time of the riot. She did see a gang of armed blacks in the backyard, but they only shot up a bottle of water that was on the backyard. She said bullets were coming around the house from somewhere, so her uncle came and took the entire family to his house for safety.

Her father, Abraham Freed, had a furniture store at 21 North Main. He had many black customers. He went to the Convention Hall to try to get his customers freed.

She referred me to Mrs. Glen Thatcher nee Sharpe 834-0115. She was a neighbor at the time of the riot and a few years older than Mrs. Weisman and might remember more. I didn't call her.

107. Mike, 39-year old white man

He left a message stating that the riot was a "dark part of Tulsa's history" and the Commission should "leave it alone". He added, "you are stirring up memories about something that doesn't need to be discussed anymore".

108. Chuck Wilkerson 299-0132

His father was nine years old at the time of the riot and was then living with his grandfather. In the days following the riot, both the father and grandfather saw bodies of riot victims which had been placed on flatbed railroad cars. His father believed that the bodies were then taken to the Arkansas River.

109. (white woman who was in high school in the late 1960s)
She had a friend whose grandfather had been in the Ku Klux Klan. The grandfather had told her that there was a mass grave at 36th and Sheridan. "Somewhere in that vicinity".
110. Jerry Ross 462-3655 (in Wagoner)
His father was 8 or 9 years old at the time of the riot. The father told him that alongside what is now Newblock Park, near the large curve on Charles Page Boulevard near the west end of the Park, there had once stood an old farm silo. The father, Carroll Ross, told him that in the days following the riot, the silo was used as a temporary storage place for bodies of the riot victims. The father said that the silo had been "filled with dead bodies". Mr. Ross is 62, and said that he could show us the location of the silo.
111. (white man who wished his name to be kept confidential)
His grandfather had pumped sand for the McMichael Concrete Company. The grandfather said that in the days following the riot, he helped to bury the riot dead using a steam shovel. The grandfather said that "so many bodies were coming in, that he couldn't keep up." The grandfather also said that they had to put the feet of some of the riot dead in concrete blocks and throw them into the river.
112. Lonnie Gosnell 357-2802
He is a 1960 graduate of Tulsa Central High School. His grandfather, Bert Gosnell, had worked for the Mid-Continent Refinery at the time of the riot. Following the riot, his grandfather said that he worked on a crew that loaded bodies on to flatcars along First Street near the old depot on to the Sand Springs line. The grandfather said he had help load 200 bodies on to the flatcars and they were stacked like "cordwood". Part of the bodies went to Newblock Park where they were burned in the City Incinerator. Another group of the bodies was taken to a sand bar near the bridge (presumably the railroad bridge) where they were burned using old railroad ties.
- His grandfather said that in the days immediately following the riot, the authorities brought in "outside people" to block off the roads leading into Tulsa.
113. Mike
He was a white male in his 40s or 50s. He said that twenty years ago he had worked at the Tulsa Fairgrounds where he became acquainted with an elderly black man named Hobday who cleaned the bathrooms. Hobday, who

was about 85 years old at that time, would often talk about the early years in Tulsa. Hobday told Mike a story about the riot and its aftermath.

Hobday who was living in Tulsa at the time of the riot said that there had been "over 200" people killed in the riot. He also said that once the state troops came in, he was hired as a member of a crew of black men to load bodies on to railcars downtown. The train went east out of Tulsa and at a spot "out in the country" between Tulsa and Claremore, the bodies were taken off the train and loaded on mule-driven wagons. The wagons traveled south to a spot in the country where there were "three or more large holes" dug. There were, according to Hobday, "several wagon loads" of bodies which were placed into these mass graves. Hobday said that he had been "hired by the state" for his work which had lasted three days. Hobday said that 50 or so other men had been hired for this work and they had all been paid by the State of Oklahoma.

Mike did not know Hobday's full name or what became of him. Mike said that at the time they worked together, their maintenance supervisor was Larry Woods who would remember Hobday and a man named Pat Lloyd also would.

114. Al Milsap 289-4000

He said that the bodies were taken to a morgue on Apache near the 2900 block. He also said that bodies were burned in the yard of a black funeral home.

115. Betty Lassiter

She said that her father had been hired so "they could kill black people that summer." She also said that white boys had killed a number of black refugees on the way to Muskogee.

116. Lloyd Chisholm 664-9198

He is 48 years old. His great uncle, Ralph B. Paris, who died in 1978 was a young boy at the time of the riot. He lived in Tulsa with his parents, S.W. and Maude Paris.

Mr. Chisholm said that his great uncle told him that after the riot, the bodies of riot victims were taken to the Arkansas River near Newblock Park, piled up, doused with kerosene, and burned. Ralph Paris said that the smell of thos burying bodies "never left his mind."

Mr. Chisholm is retired from McDonnell-Douglas adn is an amateur historian.

117. (white man who declined to give his name)
The man said that family members had told him for years that the bodies of the riot dead were dumped into the Arkansas River.
118. John Carnegie
He is white man about 49 years old. He said that back in the 1960s, there was an African American preacher, known to him only as "Doc", who worked at the Eastside Cafe. Doc told him that he helped load the bodies of riot victims onto either trucks or railroad cars. These bodies were then buried on the west side of the Arkansas River south of the 11th Street Bridge. [Note: Could this also link up with the other stories involving the McMichael Concrete Company?]
119. (elderly white woman)
Her grandfather told her that "a lot" of black people were murdered during the riot and their bodies were thrown into the Arkansas River.
120. (white man who declined to give his name)
He said that the father of a friend of his had been one of the white rioters. The friend's father said that the disposal of the bodies had been a "large problem". He also said that many of the bodies had been hauled to the Arkansas River where they were thrown in.
121. (unidentified man)
He left a message at the Tulsa Historical Society that as a child he had heard that riot victims "were buried at Crown Hill Cemetery".
122. Don Klintworth 865-3832 (Manford)
His grandfather was C.D. Evans "who took part in the killings." His grandfather who had been involved in the oil business as well as in farming and ranching had also been a member of the Ku Klux Klan. According to Mr. Klintworth, his grandfather's hatred of the blacks stemmed from the fact that his brother had been killed by a black man in 1911. The alleged murderer had been caught and was hung, but his grandfather's intolerance did not go away.
- According to stories told by C.D. Evans, 350 people were killed during the riot-about 50 whites and 300 blacks. Evans also said that he knew that the bodies of "at least 100 blacks" had been dumped into the river.
- Mr. Klintworth said that the other side of his family which was largely Choctaw and included more than a few bootleggers, was uninvolved in the riot.

EXHIBIT 4

Date: Sat, Oct 30, 2021 at 11:27 AM

Subject: Fw: Unmarked Grave Site Location

To: info@justiceforgreenwood.org <info@justiceforgreenwood.org>

CONFIDENTIALITY WARNING: This email message and any attachments are intended only for the use of the recipient(s) named above and may contain information that is privileged and confidential. If you are not the intended recipient, any dissemination, distribution, copying, or the taking of any action in reliance on the contents of this e-mail or information is strictly prohibited. If you received this email message in error, please immediately notify the sender by replying to this email message or by telephone and delete this message and any attachments from your system.

Good morning Justice for Greenwood,

Mv name is

We've located (2) mass grave sites in Tulsa, OK. using our patented Proton Magnetic Imaging (PMI) Technology on July 4, 2021 during a trip to Oklahoma.

Our (PMI) Technology locates buried skeletal remains with 100% accuracy.

One mass grave location is 40' x 12' and the other is 80' x 20'.

I've attached the location of one unmarked grave site of the two that we've located, which we've notified the City of Tulsa and Anthropologist Dr. Phoebe Stubblefield, for your information and handling.

This site is in an open area whereas the second site which is about 80' x 20' is underneath a building.

_____ should be recognized as the company that owns the technology which located these sites, once it's confirmed as one of the 1921 Tulsa Race Massacre Grave Site.

Feel free to contact me with any questions.

Regards,



GPS Map Camera



Tulsa, Oklahoma, United States

1501 Riverside Dr, Tulsa, OK 74119, USA

Lat N 36° 8' 27.06"

Long W -95° 59' 52.4832"

04/07/21 10:09 AM

EXHIBIT 5





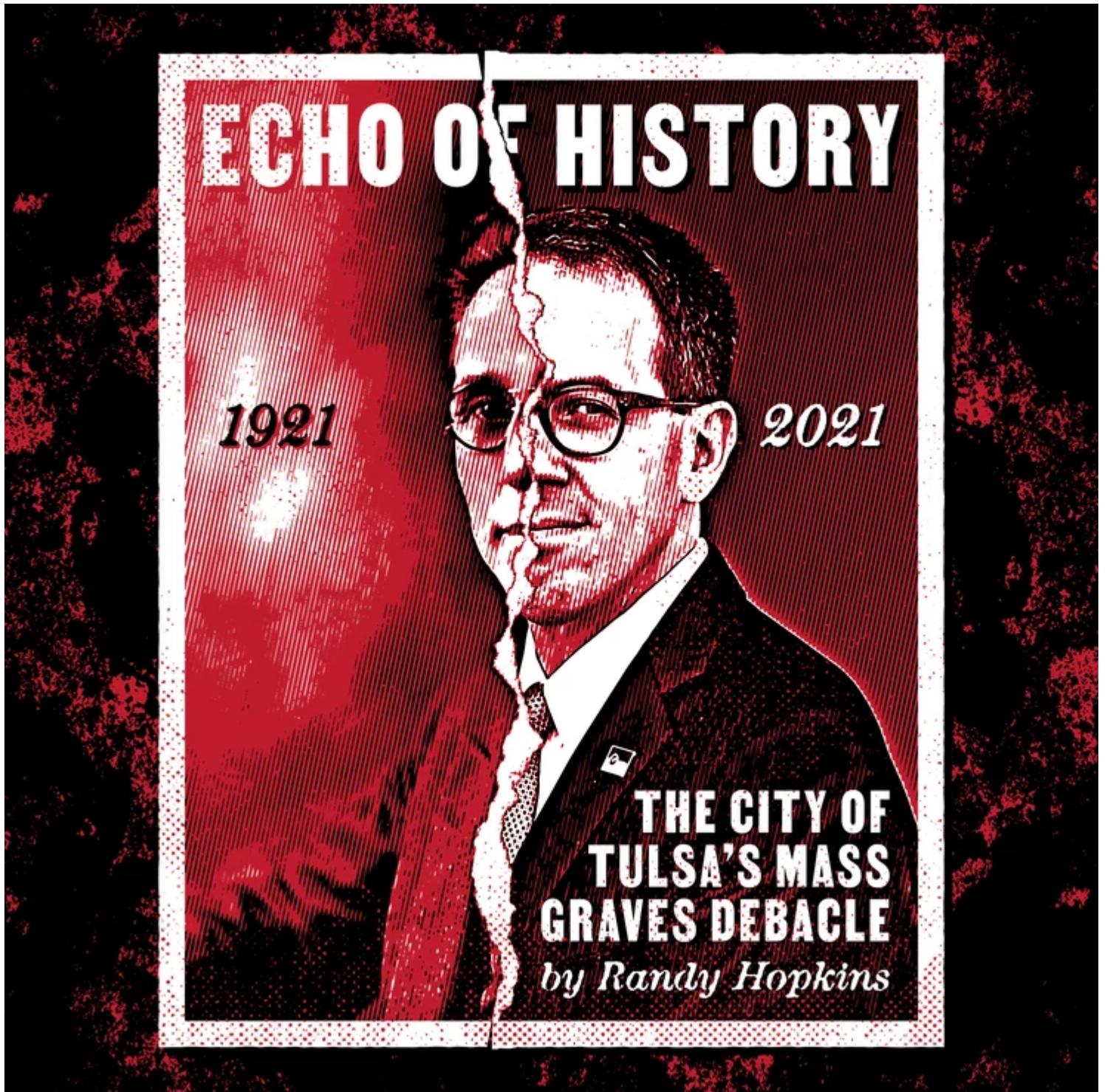
EXHIBIT 6



EXHIBIT 7

Echo of History: The City of Tulsa's Mass Graves Debacle

– By Randy Hopkins



Art by Randy Riggs

On the morning of July 30, 2021, an iron fence and locked gates divided two groups of Tulsans at the City-owned Oaklawn Cemetery. Outside the fence, aggrieved descendants of 1921 Tulsa Race Massacre victims cried out in anger and anguish. Inside the barrier, a backhoe stood poised to dump dirt into a mass grave pit located adjacent to the cemetery's so-called "colored" potter's field.[1] The remains of thirty-three humans, suspected to be those of Race Massacre victims, were about to be once again covered up.[2] At the edge of the pit, another group, only a small minority of which was Black, held hands and joined in ceremonial prayer.

Two months earlier, on the exact 100-year anniversary of the incineration of Tulsa's Greenwood neighborhood and amid much media hoopla, the backhoe's blade touched unplowed earth on a far different mission — the pursuit of Tulsa Race Massacre victims. Within days of the commencement of excavation came the news that a mass grave had been uncovered. This was followed by the disinterment of nineteen sets of human remains, including a pregnant woman.[3] Cameras carefully recorded the procession as individual remains were hand-carried to a nearby laboratory for forensic study. Hope blossomed that long and literally buried truths would finally begin to emerge.

On July 30, however, fledgling hope and trust were reburied alongside all the pit's remains, the previously extracted ones now housed in gleaming white cases and dark plastic bins. Cameras, though not as many as before, recorded a drama that seemed to encapsulate the racial turmoil and conflict already polarizing the nation. The City of Tulsa's mass graves investigation had turned into an ugly echo of the town's ugliest past.

Tulsa: June 2, 1921

On the evening of June 1, 1921, while smoke from Greenwood hung in the air, Tulsa's reputation hung with it. The City's Mayor T. D. Evans, at least a majority of the City Commission, and the Tulsa Police Department were heavily implicated, not just in failing to prevent the Race Massacre, but for having caused and coordinated it.[4]



Mayor T.D. Evans courtesy of the Ruth Avery Collection at Oklahoma State University - Tulsa.

Tulsa's financial elite, led by its Chamber of Commerce, rushed to the rescue of the City's image and its "wounded pride." Almost instantly, the Chamber's president Alva J. Niles proclaimed a "plan of reparations in order that the homes (in Greenwood) may be rebuilt and families as nearly as possible rehabilitated." Vast sums were promised for "wiping out the stain" from the City's reputation.[5]

News of the reparations plan quickly reached America's newspaper readers. By June 2, the city's promise to rebuild and redress generated prominent headlines from New York to Los Angeles. Tulsa was presented in heroic terms, grief-stricken, sorrowful, and seeking to atone for the wrongs.[6] The *New York Times* called it setting "an example for other cities." [7] At the very moment the great catastrophe had momentarily captured the nation's attention, Tulsa's reputation won a reprieve.

Tulsa: June 27, 2019

On June 27, 2019, at the 36th Street Event Center in north Tulsa, Tulsa Mayor G. T. Bynum delivered a ringing endorsement of the City's mass graves investigation — the search for both buried victims and the buried truth of the Race Massacre. Bynum conceded that the City of Tulsa had “not earned the trust on doing this the right way, both in its actions to protect Black Tulsans during the Massacre and to wait ninety-eight years to actually start this investigation.”



Tulsa Mayor G.T. Bynum, flanked by City Councilor Vanessa Hall-Harper (left) and former Deputy Mayor Amy Brown, speaks during a Mass Graves Investigation Public Oversight Committee meeting on Thursday, June 27, 2019. Photo by Joey John for the Tulsa World.

To win this trust, Bynum introduced a public committee, namely “folks from outside the City Government” who would oversee the process. Bynum empowered this Public Oversight Committee to provide transparency, to hold the City “accountable” for doing the investigation in “the right way,” and to “point out (where) if isn’t being

done in the right way and where we need to be right.”

There seemed to be steel in Bynum's words when he proclaimed that:

“If you get murdered in Tulsa we have a very basic compact with you that *we will do everything we can* do to find out what happened to you and to render justice for your family. And our homicide department has among the best record in the nation...and in my mind and I think in the policymakers of the City's mind *it doesn't matter if you were murdered two weeks ago or ninety-eight years ago*. No family in this community should have to have as part of their family story that an awful event happened and their family member disappeared and they never knew what happened. That's not acceptable. *And that is why we are treating this as a homicide investigation.*” (emphasis added).

Mayor Bynum's promises, a public relations windfall for himself and City government, committed the City — or seemed to commit it — to provide criminology expertise in the pursuit of the truth. A homicide investigation would consolidate the skills of trained criminologists and detectives.[8]

For two years, it appeared to the outside world that the City of Tulsa was indeed doing things the right way. Triumphant over the hideous past and rendering at least some justice finally seemed possible when the excavation of the mass grave in the City's Oaklawn Cemetery commenced on June 1, 2021.



A promotional image featuring Mayor G.T. Bynum (center) during the excavation period of the 1921 Graves Investigation. Photo provided by the City of Tulsa.

Tulsa: June 4, 1921

Tulsa's ballyhooed 1921 rebuilding plan for Greenwood turned out to be no more than a public relations hustle. Having assured the American public of the City's heroic sincerity, the plan disappeared without a trace. The Chamber of Commerce, the author of the reparations plan, made no substantial effort to raise funds for rebuilding and provided not a penny for reconstruction. As it concerned Greenwood, the word "reparations" vanished from the Tulsa newspapers of the day.

Insidiously, the Chamber of Commerce's Bureau of Public Welfare issued a nationwide directive not to contribute to any rebuilding fund; outside donations were ostentatiously returned. People were also urged not to donate directly to "the negroes." The City's pride, it was said, demanded that Tulsa go it alone. *Move along, nothing to see here* was the message. It was one of the first steps in the Great Forgetting of Tulsa's race war. Going it alone turned out to be doing nothing.[9]

Tulsa: here and now

Once the centennial commemoration of the Tulsa Race Massacre was in the rear-view mirror — and coffins in an apparent mass grave were unearthed — the City of Tulsa's search for mass graves succumbed to a new reality. Mayor Bynum's words of steel turned out to have the weight of feathers.

1. The homicide investigation that wasn't. If a homicide investigation ever ensued, it was kept concealed from the Public Oversight Committee. When Committee member Chief Egunwale Amusan asked why there was no homicide investigation during a July 27, 2021 virtual private briefing, the City's startling response was that the Oaklawn mass graves pit was not considered a "crime scene." The reasons, as given, were that all the culprits of the Race Massacre were long dead and criminal prosecution of the City itself was allegedly time-barred by a statute of limitations.[10]

But G. T. Bynum had said it didn't matter if the murders happened ninety-eight years ago. He called it a "basic compact" with the victims when he forcefully committed the City to a homicide investigation. He cast the legal barriers away for purposes of the City's 1921 Graves Investigation when he promised Tulsans, including descendants of Race Massacre victims, that his government would do "everything we can to find out what happened." [11] He reiterated this pledge when he told an audience at George Carver Middle School, "We will

follow the truth where that takes us.”[12]

In retrospect, it appears that the Mayor's office was already preparing to render Bynum's promises inoperative by inviting former Tulsa district judge William Kellough to appear before the Public Oversight Committee's virtual meeting on May 17, 2021. The Judge effectively and professionally explained two limited legal issues — that dead people can't be criminally prosecuted and that there were potential statute of limitations prohibitions against civil and criminal prosecution of Tulsa's local government. In the case of a criminal prosecution, he said that the City could only be liable for a \$5,000 penalty.

Kellough did not say that crimes had not been committed in the Massacre or that Oaklawn could not be considered the scene of a crime if potential Massacre victims were found. He did not so much as hint that it was not important to discover the truth or that the talents of homicide investigators should be spurned in the pursuit of that truth.[13] His limited and precise legal presentation was later spun by the City into an excuse to shove Mayor Bynum's "basic compact" and his promise of a homicide investigation down the memory hole.[14]

Conducting a true investigation here demands much more than jailing culprits or slapping the City of Tulsa's wrist with a token fine. It is about finding what really happened during those days of evil. One cannot have "truth and reconciliation," much less justice, without first unearthing the truth.

2. The order to stop the dig. Thirty-four coffins were located in the Oaklawn mass gravesite, at least one of which contained evidence of gunshot trauma.[15] Dr. Phoebe Stubblefield of the City's physical investigation team — and a forensic scientist specializing in the recovery and identification of human remains — said that her profession's "tradition" was to "dig everybody up." [16] That tradition was cast aside. Fourteen coffins were left in the ground, later to be covered back up.[17]

Back in January 2021, the City's physical investigation team said that a coffin's hardware would not preclude the finding that a body was a Massacre victim. [18] During the July 27, 2021 "private" briefing, however, Dr. Stubblefield explained that a decision had been made to target only bodies in plain wood boxes, leaving untouched those in fancier coffins such as wood boxes with hardware handles.[19]

One possible explanation for the presence of higher quality coffins scattered among plain boxes in a mass grave is that Tulsa suffered a "run of coffins" in early June 1921. Funeral homes might have reached deep into their inventory, even throwing in casket shipping crates, at least one of which was also found in the Oaklawn

pit.[20]

In March 2021, the physical investigation team reported that they did not expect to find only male victims and would not be restricting their investigation to males only.[21] On July 27, 2021, however, the limited extractions were further justified by a decision to target black male corpses for analysis.[22] Chief Amusan complained that the City was “marginalizing” Black women and children, already among the most marginalized people in the nation.[23]

The Public Oversight Committee had not been consulted about these diminished “targets” and learned of them only at the July 27, 2021 private briefing. In response, Amusan warned that an incomplete extraction of remains would not only mislead the public but would arouse suspicion that the City of Tulsa was covering up the truth.[24] His prophetic words went unheeded.

Exactly who made the decision to stop the dig remains a mystery. Chief Amusan directly asked the question, “Who made that decision to stop and to conclude the dig?” Dr. Stubblefield, head of the investigation team on the ground, replied, “I have no information for you on that.”[25] She later added, “I agree that there is a bad perception. I share your sentiment that we found something interesting then almost immediately stopped, and I agree that’s how it looks. I can’t answer your question about who gave the order, I don’t have that knowledge.”[26]

Leaving the fourteen caskets in place subjected them to further degradation. It turned out that the gravesite near Oaklawn’s so-called “colored” potter’s field was located in a low spot with a creek running under, or even through it, according to Dr. Stubblefield.[27] Every time it rained, the excavated trench became a “big swimming hole” in the words of Physical Investigation team member and State Archeologist Dr. Kary Stackelbeck.[28] 1921 Public Oversight Committee chair Kavin Ross explained that mud had flowed into the coffins even before the excavation and called the area a “mud pit” and a “big bowl of soup” on the eve of July 30 reburial.[29]

While the Investigation team suggested that perhaps they could later unearth the still entombed fourteen, that task has been made more difficult technically, financially, and politically by the City’s unilateral decision literally to restore the Oaklawn mass grave on July 30.[30]

3. The City's private briefing of July 27. From its birth, all meetings of the Public Oversight Committee were announced in advance and open to the public. There have been no public meetings since the Race Massacre centennial. The Committee was cut out of the loop by the City of Tulsa after nineteen sets of human remains were hand-carried by Oversight Committee members to a lab for study.

In apparent response to an email query from Committee member Amusan, the City scheduled the first and only "private briefing" of the Committee. This occurred on July 27, 2021, just three days before the stealthy reinterment. Previously, members of the public had been given notice of Oversight Committee meetings and were able to watch and comment. In late July, the public was kept in the dark. Even now, the video of the private session remains absent from the City's Graves Investigation webpage.[31]

In retrospect, it appears that the primary motive for the private briefing was a desire to have the Committee rubber-stamp the City's abrupt decision to rebury the disinterred remains. The City knew that reburial was a touchy subject, and not only for members of the Oversight Committee. Many descendants of Race Massacre victims railed against the notion of even temporarily reburying possible victims in the same muddy pit from which they had been removed. What sort of ceremony would take place mattered greatly to the Oversight Committee, especially since the mass graves investigators had not finished their analysis or issued a written report.

Why was July 30 so important to the City? The Mayor and his staff likely chose or knew of that deadline in advance and, if so, had sufficient time to inform the Oversight Committee. Instead, they waited until the last second. Acting in the manner of a plantation boss, the City told Chairman Ross about the decision and the deadline, but would give him no justification. When he pressed the City prior to the July 27 briefing, he was told they just needed to "push the process along." [32] It was not the first time the City dismissed his questions. He had never been able to get answers to queries about finances or budgets for the investigation. Similar questions posed during the July 27 briefing also bore no fruit.[33]



Remains being re-interred at Oaklawn Cemetery on July 30, 2021. Photo provided by the City of Tulsa.

On July 27, the City justified July 30 by pointing the finger at the Committee itself and its approval of a reinterment plan in March.[34] But that plan imposed no specific deadline date — July 30 or otherwise.[35] Indeed, when that plan was first presented in January 2021, Tulsa's then Deputy Mayor Amy Brown said, "We are not aware of a restriction that limits how long they can be out of the ground for analysis" — a representation made after consultations with the State Department of Health, the Department's general counsel, and the City of Tulsa's legal team.[36]

The re-interment plan approved in March not only did not impose a July 30 deadline, it barred it. The plan required, first, a determination of whether discovered graves did or did not house Massacre victims. Even without regard to the future DNA analysis stipulated in the plan, fundamental forensic analysis was not yet concluded in late July. It wasn't even certain that the remains were Massacre victims. After the controversial reburial, Mayor Bynum's press aide Michelle Brooks conceded that "further analysis" will be necessary to

determine that fact.[37] The final report of the Physical Investigations Committee was at least a month away.[38]

Even if Massacre victims were confirmed, the re-interment plan provided an option (a) to store the coffins above ground or (b) to rebury them somewhere in Oaklawn. The word "OR" was capitalized.[39] Hands were not tied by the re-interment plan.

Who was behind the decision to push July 30 was also steeped in confusion. The Mayor's Deputy Chief of Staff said that the "team on the ground" helped make the decision, but Chief Amusan refuted that, citing Dr. Stubblefield, leader of the team on the ground, who said that she did not make the "timeline of the ceremony." [40] Dr. Stubblefield would later join with the Oversight Committee in opposing the July 30 reburial. Dr. Kary Stackelbeck, State Archeologist, also urged more study of the issue.[41]

The unresolved matter of where in Oaklawn to rebury the remains, if at all, superseded any discussion of when. Dr. Stubblefield warned that the mass grave pit had a creek running under or even through it and constantly filled with water and mud. She emphasized the undesirable consequences posed by the accumulated water, warning that she had "real concerns" and was "really worried" that the coffins "won't stay there." If the remains' new airtight enclosures began migrating, they could damage the adjoining unearthened caskets or even begin floating toward the surface.[42]

In contrast, another Oaklawn location called Sexton, high and dry and ready to go, was available as a temporary re-burial site. In February, Tulsa's then-Deputy Mayor Brown had herself suggested Sexton for that purpose, and committee chair Ross had seconded Brown's "excellent" alternative.[43] When Ross strongly advocated Sexton during the July 27 briefing, Dr. Stubblefield said that, given the problems with the mass graves pit, it should definitely be considered. Dr. Stackelbeck, from the University of Oklahoma, backed Sexton as "a very reasonable suggestion" and also urged its consideration.[44] She said that the re-interment plan itself was designed to "facilitate" moving reburial to a different location within Oaklawn.[45]

At the end of the three-hour private briefing, the Oversight Committee had every reason to assume that the July 30 reburial had been averted. Not only did the Committee decide unanimously to delay it pending answers to major questions, but the Physical Investigations team tried to slow things as well. Dr. Stubblefield, warning that it would create a "bad perception," agreed with the decision to stop.[46] As noted, Dr. Stackelbeck pushed for consideration of Sexton as an alternate location. The Mayor's deputy chief of staff Rojas promised that "tomorrow I can find out more information" and that he could get answers to the questions "immediately,

tomorrow.”[47] The meeting ended.

4. The July 30 Debacle. The morrow brought no answers. On Thursday, July 29 a terse email from the City to the Oversight Committee announced that it was “working diligently” to address “some” of the questions. Which ones were not specified. The email repeated the falsehood that the re-interment plan required the fast-approaching reburial and ignored the Committee’s decision and the Physical Investigation team’s professional concerns and warnings.[48]

The reburial commenced at 9 o’clock on Friday morning, the early hour precluding the ability of the Oversight Committee to seek legal recourse. Nonetheless, word spread and distraught descendants, resolutely determined to thwart a disrespecting of corpses they now firmly believed included Massacre victims, soon arrived to set the stage for the drama that was to follow.

Approximately twenty people — only four of them Black — gathered beside the open pit to conduct a ceremony. A White minister led a prayer. Who and how the group was selected is another unknown. The backhoe then lumbered into action.



The ceremony that preceded the re-interment of remains at Oaklawn Cemetery on July 30, 2021. Photo provided by the City of Tulsa.

Outside the cemetery's newly created wailing fence, old wounds were ripped open as the pit was filled with dirt. One astonished Black woman, who described herself as a descendant of a Race Massacre victim, shouted again and again, "This is a crime! This is a crime! *This is a crime!*" An elderly Black woman, weeping, moaned, "This is the worst funeral I've ever been to — they didn't even cut the weeds." For people nurtured in African customs of respect and honor for the remains of those who have passed, it was the depth of brutality. These sad spectacles, occurring within yards of the historic Route 66, passed into the city, state, and national news.[49]



Tulsa Race Massacre descendant Heather Nash, left, yells at Brenda Alford, 1921 Graves Public Oversight Committee member, and forensic anthropologist Phoebe Stubblefield as remains from a mass grave are reburied at Oaklawn Cemetery on July 30, 2021. Photo by Mike Simons - Tulsa World/Associated Press.

During the July 27 private briefing, Regina Goodwin had warned that the public was going to be misled by the reburial and ceremony into thinking these were Race Massacre victims when that hadn't yet been determined. Goodwin continued, "We're confusing the public and I don't want to be part of that. I want to know who is going to tell the story? How is that narrative going to work? Who is going to be in front of the microphone talking about that one?" Dr. Stubblefield responded, "Well, you do raise a valid point." But Goodwin got no answers as to who would explain things to the public, just as the Oversight Committee failed to get answers to so many things. On the day of reckoning, the answer arrived that it was going to be left to Dr. Stubblefield, who is Black, to try to mollify the angry witnesses — the same Dr. Stubblefield who had tried to delay the looming fiasco. None of the White people who had helped create the chaos came over to help.[50]

5. The Mayor's public relations alibi. The July 30 debacle was a public relations shambles. Attempting damage control, Mayor Bynum's press representative, Michelle Brooks, told the *Washington Post* that the City was required to rebury the remains to meet "permit requirements" obtained before the June excavation. The permit, she said, required the city to reinter after the "on-site forensic analysis, documentation and DNA sampling were complete." She added that Tulsa had to "abide by the permit requirements that were filed with the Oklahoma State Department of Health and the Tulsa County District Attorney's Office, requiring the remains to be temporarily interred at Oaklawn Cemetery." This story made the City seem reasonable: *Regrettably, our hands are tied.*[51]

It is dubious that such a permit ever existed; if it did, the City violated state law with the July 30 Oaklawn reburial. Under Oklahoma law, a permit to disinter is required only if reburial will occur in a *different* cemetery or for the purpose of cremation. In that case, a "Request for Disinterment Permit," *specifically naming the different cemetery* (or specifying cremation) must be filed with the State Department of Health in advance and receive State approval.

Here, the City and Public Oversight Committee agreed to a reburial back in the *same* cemetery, at Oaklawn.[52] If the City filed for a disinterment permit naming a different cemetery — a prerequisite for getting a permit — then the City filed a false application. Making false statements in multiple permit applications constitutes a felony or, in this case, nineteen felonies — one for each set of remains — each punishable by up to a \$10,000 fine and/or two years in the Oklahoma Department of Corrections. The warning for those penalties is printed at the bottom of the permit application form.[53]

Whenever reinterment is intended in the same cemetery, as here, no state permit is required. Oklahoma law is succinct and clear. Since November 2017, the applicable statute has provided that "if the dead body or fetus is to be disinterred and reinterred in the same cemetery, a disinterment permit is not required." [54] Instead, a simple Notice, to be filed within five days of the disinterment, is sufficient, with no requisite state approval.[55] Nor is there any deadline for reinterment under a Notice. In January 2021, following consultations with the State Department of Health, its general counsel, and the City of Tulsa's legal team, Deputy Mayor Brown said there was no known time restriction for reburial under a Notice process.[56]

6. Conclusion. Exactly who decided to ignore the Public Oversight Committee's unanimous decision to delay the reburial is unknown, as with the other issues where the Committee tried and failed to identify deciders. The ultimate responsibility for the proper treatment of the Oversight Committee and descendants of Race

Massacre victims lies with Tulsa's Mayor G. T. Bynum, the man who launched the Graves Investigation with much bravado. He is the one who committed the City to do things "the right way." His obligations became especially keen after the summer 2021 departure of Deputy Mayor Amy Brown, who previously conducted Public Oversight Committee meetings. Bynum owns the investigation, now more than ever.

One of the few times the Mayor spoke up during the 2021 Oversight meetings was on February 23, where the re-internment plan was being discussed. There, he dismissed Regina Goodwin's suggestion that the City had not been taking its lead from the Oversight Committee. Bynum further complained that three Committee members were speaking "over and over and over again." He declared that to resolve the issue "we'll just have a vote of the Public Oversight Committee at the next meeting." [57] At that meeting, the Committee approved the re-interment plan that the City was pushing. That plan not only did not require a hasty reburial, but precluded it. On July 27, when the Committee took a unanimous vote to delay re-interment, one that was averse to the City's new desires, it was brushed aside like dust on an antique desk.

The July 30 reburial was a humiliating slap in the face to all Public Committee members, making them appear ineffective, subservient, and complicit. The Mayor should have anticipated this anguishing consequence. He appointed the Committee members to represent their communities and knew well that they were being looked to for answers. Chief Amusan dramatically described the process for the Mayor's deputy during the July briefing:

"The reason why I'm asking who made the decision to stop and all these important questions is because community consensus says 'the moment we found evidence of trauma, we stopped.' It literally looks like everybody is involved in a cover-up from the public opinion perspective. So when they come ask us as Public Oversight members, 'Whoa! What happened? Y'all were finding all these bodies and they just announced....they found this body and this trauma and all of this and all of a sudden we're stopping and having a vigil.' How that appears is it looks conspiratorial. It's like 'whoa, who does that?' Once you find everything you're looking for you stop!... If we don't have an answer it looks like everybody is involved including the Oversight Committee... It looks bad. It looks so bad and there is no commemoration that can fix it." (emphasis by Amusan)[58]

As the City had been eloquently forewarned, dark theories and allegations of bad faith blossomed in the wake of the reinterment duplicity and unanswered questions. Committee member Regina Goodwin raised two possible motives during the July briefing - (a) the City of Tulsa's money had been spent and no more would be found and (b) the City of Tulsa never intended to do more digging anyway.[59]

A step further is the notion that everybody was being played from the beginning and it was all just clever theatre to get past the centennial of the Race Massacre, which was certain to draw the nation's attention. Was it

preening virtue that, like the 1921 rebuilding plan, lasted only as long as the authorities felt the heat of public scrutiny? If so, the members of the Physical Investigations team, attempting a sincere and honest assessment of the evidence, have also been sandbagged by the City government.

Today, the Mayor's mass grave investigation lies in at least partial ruin. His promise of a homicide investigation has been exposed as empty. Things have not been done in "the right way." Trust, not in grand supply to begin with, has been shattered. It would take a showing of great character and concern for humanity for all the Oversight members to return to the City's table.

Some Oversight Committee members, livid at the treatment and alive to the feeling of being conned, have petitioned for federal intervention.[60] If that happens, more anger and resentment will follow. If bodies are found after a Justice Department intervention, Tulsa will get no credit for it. A modern victory of cooperative effort will have evaporated, replaced by stress, struggle, and bitterness. If more bodies aren't found, the controversy will haunt the history books for the next one hundred years, just as Kavin Ross eloquently warned.[61] Either way, G. T. Bynum will be the leading candidate to enter those books as the leader who failed to do things "the right way."

Even Tulsans who just want the entire graves matter over and done with have been harmed by the stonewalling and dismissive treatment of the Oversight Committee, the descendants of the Tulsa Race Massacre, and every citizen of every race with a desire to learn the truth. The controversies will drag on, likely interminably. In the course of it, citizens of all races will be further divided and conquered.

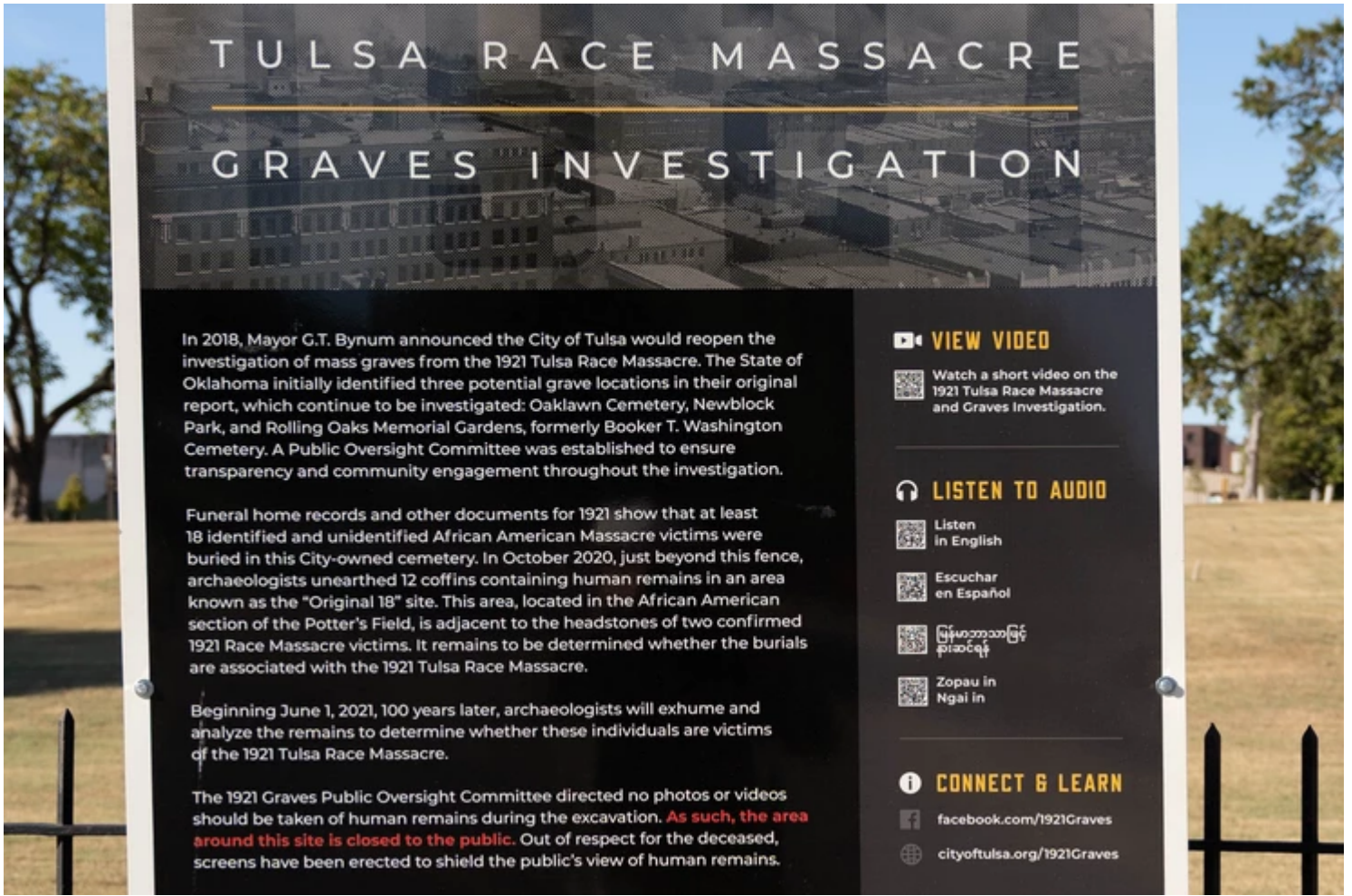
The Phantom Decider has damaged everyone.

Epilogue

Any tiny hope that the investigators would return to unearth additional coffins from the Oaklawn mass grave was dismantled by mid-September when the City removed all the logistics and laboratory trailers. Two City of Tulsa advertising signs appended to the iron fence were left behind. The signs begin by publicizing Mayor G. T. Bynum's 2018 investigation announcement and include the promise that the Public Oversight Committee will "ensure" transparency and community engagement. The signs conclude with the Committee's "rule" requiring "respect for the deceased." Apart from the advertising, the only visible demonstration that an excavation in Oaklawn had occurred are the tire tracks stamped into the soil atop the City of Tulsa's recreated mass grave.[62]



A sign near the site of reinternment at Oaklawn Cemetary. Photo by Stuart Hetherwood/Well-Told, LLC.



A sign near the site of reinternment at Oaklawn Cemetery. Photo by Stuart Hetherwood/Well-Told, LLC.

Acknowledgments

When asked to comment on this story, Michelle Brooks, City of Tulsa Director of Communications, provided this statement:

“The City is committed to the 1921 Graves Investigation and will continue working with the Public Oversight Committee through the investigation. The City is currently working to secure a company to begin the DNA portion of this investigation and we also expect the formal report for the June excavation to be complete and presented to the Public Oversight Committee by the end of the year.”

Disclosures

In addition to being a member of the 1921 Graves Public Oversight Committee, Chief Egunwale Amusan is also a Board of Directors member for Center For Public Secrets.

Endnotes:

[1] For “colored” potter’s field, see the Oaklawn plot [map](#).

[2] There is some uncertainty as to the total number of burials discovered. Dr. Kary Stackelbeck, State Archeologist, reported that there were thirty-four burials, with fourteen adult caskets and six infant/children caskets disinterred. Fourteen were left in place. One of the disinterred infant caskets was found to contain no remains. Thus, a total of nineteen human remains were transferred to the laboratory for study and later reinterred on July 30, 2021. [July 27, 2021 Public Oversight Committee private briefing](#), 1:50 to 2:25. For video of the [July 27, 2021 private briefing](#). Various media reports claimed that thirty-five caskets were discovered. For purposes of this paper, Dr. Stackelbeck’s July 27, 2021 summary of thirty-four burials, one discovered to be a vacant casket, will be used.

[3] The reference to a pregnant woman is drawn from an interview with Public Oversight Committee member Kristi Williams on September 7, 2021. As noted in endnote 2, one of the twenty disinterred coffins was found to contain no remains.

[4] See authorities and evidence cited in Randy Hopkins, “The Plot to Kill ‘Diamond Dick Rowland’ and the Tulsa Race Massacre” <https://www.centerforpublicsecrets.org/the-trail-of-atrocity>. The paper will also be published by the Oklahoma Historical Society in a forthcoming issue of *The Chronicles of Oklahoma*.

[5] For a description of the reparations plan, see “Niles Blames Lawlessness for Race War,” *Tulsa Tribune*, June 2, 1921, 4 (Niles calls it a “plan of reparation in order that homes may be rebuilt and families as nearly as possible be rehabilitated” and “as quickly as possible rehabilitation will take place and reparation made.”). Also see, “Reparations Commission” Aiding Homeless Negroes,” *Pittsburgh Daily Post*, June 3, 1921, 1.

[6] See news headlines and articles cited in Randy Hopkins, “Mask of Atonement: The Plan to Rebuild the Homes of Greenwood,” <https://www.centerforpublicsecrets.org/post/mask-of-atonement-the-plan-to-rebuild-the-homes-of-greenwood>

[7] “Tulsa in Remorse to Rebuild Homes; Dead Now Put at 30,” *New York Times*, June 2, 1921, 1.

[8] For Bynum’s promises and commitments, see <https://www.youtube.com/watch?v=7Pjua7e9UDo>. For the video of the entire July 2019 meeting, see <https://www.youtube.com/watch?v=7QN62XmWLZc>.

[9] For evidence and authorities cited in this section, see Randy Hopkins, “Mask of Atonement: The Plan to Rebuild the Homes of Greenwood” <https://www.centerforpublicsecrets.org/post/mask-of-atonement-the-plan-to-rebuild-the-homes-of-greenwood>

[10] [July 27, 2021 Public Oversight Committee private briefing](#), 29:50 to 37:00, 41:40 to 42:40 (discussion between Oversight Committee members Amusan and Regina Goodwin, Mayor Bynum’s Deputy Chief of Staff

Rodrigo Rojas and Dr. Phoebe Stubblefield of the City's Physical Investigation Committee regarding whether Oaklawn was a crime scene, the lack of living perpetrators and the absence of criminal investigators).

[11] For Bynum's promises and commitments, see <https://www.youtube.com/watch?v=7Pjua7e9UDo>.

[12] "A white Republican mayor seeks the truth about Tulsa's race massacre a century ago," *Washington Post*, March 13, 2020.

[13] For Kellough's presentation, see May 17, 2021 Public Oversight Committee public meeting at <https://www.youtube.com/watch?v=KdoOnzVInuE>. Videos of this and other public meetings are contained in the City of Tulsa's 1921 Graves Investigation webpage located at <https://www.cityoftulsa.org/government/mayor-of-tulsa/1921-graves-investigation/committee-meetings-and-members/>

[14] See the discussions cited in endnote 10 above.

[15] For discussion of how many burials, coffins and remain were discovered and handled, see endnote 2 above.

[16] [July 27, 2021 Public Oversight Committee private briefing](#), 53:00 to 54:05. (Dr. Stubblefield).

[17] Again, one of the extracted coffins was found to contain no remains, meaning that only nineteen sets of remains were later reinterred.

[18] [January 28, 2021 Public Oversight Committee Meeting](#), 1:31:50 to 1:33:20 (Dr. Stackelbeck).

[19] [July 27, 2021 Public Oversight Committee private briefing](#), 51:40 to 55:10. (Dr. Stubblefield, "This whole investigation targeted plain casketed individuals."); 55:10 to 57:20 (commentary by Amusan that fact that findings do not match pre-set "target" is no reason to stop digging once more coffins in a mass grave are discovered). Compounding the confusion over the decision to leave fourteen in the ground, the Mayor's Deputy Chief of Staff Rojas explained in an email to the Oversight Committee that some of the "nicer coffins" were in fact exhumed. Why some and not the others?

[20] [July 27, 2021 Public Oversight private briefing](#), 1:14 (Dr. Stackelbeck re: shipping crate).

[21] [March 23, 2021 Public Oversight public meeting](#), 41:00 to 43:30 (including per Dr. Stubblefield, "But I don't expect this particular feature, this mass grave, to have only males..." and "I'm not reserving it to only males....we are talking about pillagers, these are the worst kind of pirates, there is going to be raping and murdering not just shooting guys...").

[22] [July 27, 2021 Public Oversight private briefing](#), 1:06:00 to 1:06:30 (discussion by Dr. Stubblefield, including, "I do have a target of eighteen Black males and it is more efficient and just reasonable to expose burials that belong to those plain casketed individuals and not those individuals that are in fancy caskets.").

[23] [July 27, 2021 Public Oversight private briefing](#), 1:03 (Amusan)

[24] [July 27, 2021 Public Oversight private briefing](#), 50:20 to 51:36, 1:03:05 to 1:04:50) (Amusan).

Notwithstanding the new target of Black males, some female and infant-bearing coffins were extracted, adding yet more confusion to the decision to leave fourteen in place. As with the “fancy coffin” explanation, the actual practice only raised more unanswered questions.

[25] [July 27, 2021 Public Oversight private briefing](#), 1:44:25 to 1:46:15 (including per Amusan, “...on top of that, you have fourteen remains that were not exhumed. We are just completely discounting fourteen remains for whatever reason and they are going to get covered up and buried and it doesn't match what the Mayor said we are going to do, which is that we are going to do everything in our power to find out who these people are...we keep revisiting this trauma and doing this incomplete search and that to me seems a waste of time and a waste of effort and for the next hundred years you'll be questioning who these other fourteen were...Who made the decision to stop?... Who made that decision to stop and to conclude the dig?” To which, Dr. Stubblefield replied, “Yeah, I have no information for you on that.”).

[26] [July 27, 2021 Public Oversight private briefing](#), 2:33:05 to 2:34:10.

[27] [July 27, 2021 Public Oversight private briefing](#), 2:37:45 to 2:38:30 (responding to Committee chair Kavin Ross' advocacy of reburying in above-the-flood line Sexton vs. the “mud pit,” Dr. Stubblefield said, “That's actually not a bad idea. I wish we had a cemetery representative on hand....Yeah, it's a good question. It's not a bad idea. I say that in the context that I have real concerns...We are using airtight vaults because we want them to stay airtight, but our excavation area has a creek through it, underneath, and maybe through it. It fills up readily. I am *really* worried that they won't stay there. But I'm not, I don't build cemeteries so I have to yield to my own ignorance. We don't have a cemetery representative on this call, but, yeah, you raise a valid call.”) (emphasis by Dr. Stubblefield).

[28] [July 27, 2021 Public Oversight private briefing](#), 2:34:30 to 2:36:10 (Dr. Stackelbeck).

[29] [July 27, 2021 Public Oversight private briefing](#), 2:36:10 to 2:44:25. (Includes several statements by Chair Ross interspersed with comments of others).

[30] [July 27, 2021 Public Oversight Committee private briefing](#), 49:40 to 50:20 (includes Dr. Stackelbeck, “There is a possibility that we could return and disinter these other individuals if we feel a compelling reason to do so...”).

[31] For video of the July 27, 2021 private briefing, see <https://www.youtube.com/watch?v=39KeR1rO2o>. The City's Mass Investigation webpage concerning Oversight Committee meetings is located at <https://www.cityoftulsa.org/government/mayor-of-tulsa/1921-graves-investigation/committee-meetings-and-members/>

[32] [July 27, 2021 Public Oversight private meeting](#), 1:50:50 to 1:51:08; 2:13:45 to 2:14:20.

[33] [July 27, 2021 private briefing](#), 1:55:50 to 2:06:30 (extended exchange between Regina Goodwin and the Mayor's Deputy Chief of Staff Rojas); 2:09:40 to 2:12:45 (includes Chair Kavin Ross, “I still have questions that

are not answered. I still don't see a rush to have this ceremony on Friday...Is it an issue with funding? I've been *screaming that from the top* of this whole...before everybody started jumping ship. I asked where is the next round of money? Was it placed on the city budget? How much do we have in our budget? I could never get *any* clear cut information on why I cannot get that kind of information.") (emphasis by Ross).

[34] [July 27, 2021 Public Oversight private meeting](#), 1:39:50 to 1:42:06 (Regina Goodwin asks, "Why are we putting them back in the ground Friday?") In response, Deputy Chief of Staff Rojas said, "Well, I'll say, Regina, that when we did put in the request to get approval from the state to start excavation this summer, we needed a reinterment plan and as you may recall I want to say probably in February or in March we made a decision to temporarily reinter all of the individuals back into Oaklawn after the excavation was over."); 1:51:08 to 1:53:18 (includes Deputy Chief of Staff Rojas, "In terms of the reinterment and for the reburial on this upcoming Friday, that decision was made as we paused, again that goes back to what we discussed in the spring...").

[35] The re-interment plan is available at <https://www.cityoftulsa.org/media/15407/oversight-committee-meeting-slides-1-28-21.pdf>.

[36] For prior consultations, see [January 28, 2021 Public Oversight public meeting](#), 11:00 to 11:54 (Deputy Mayor Brown). For Brown's representation, see [January 28, 2021 Public Oversight public meeting](#), 26:40 to 27:55.

[37] <https://www.sfgate.com/news/article/Descendants-of-Tulsa-Race-Massacre-victims-16359958.php>

[38] [July 27, 2021 Public Oversight private briefing](#), 2:57:00 to 2:58:45 (Dr. Stubblefield).

[39] <https://www.cityoftulsa.org/media/15407/oversight-committee-meeting-slides-1-28-21.pdf>

[40] [January 27, 2021 Public Oversight private briefing](#), 1:47:25 to 1:48:00 (Dr. Stubblefield said, "I did not make the timeline of the ceremony."); 1:50:50 to 1:55:48 (includes Amusan saying, "We agreed that we would do temporary interment at the conclusion of the dig. I know what the word conclusion means. But you didn't define who made the decision to stop this dig. If it is a pause, we don't need to do a commemoration on Friday, right, if we are pausing this work... Somebody made a decision without our input. Somebody made a decision to stop and somebody made a decision to reinter without our input." After Amusan again asked who made the decision, Deputy Chief of Staff Rojas said, "The decision was made essentially by the teams that were on the ground, Cardno and the City of Tulsa," to which Amusan responded, "But Phoebe just said she didn't make the decision, so that can't be the case."); 2:33:00 to 2:34:05. See also, endnotes 25 and 26 and related text for more quotations on the decision to stop the dig.

[41] [July 27, 2021 Public Oversight private briefing](#), 2:29:15 to 2:34:15; 2:34:45 to 2:46:00; 2:47:30 to 2:56:00.

[42] [July 27, 2021 Public Oversight private briefing](#), 2:34:45 to 2:46:00; 2:47:30 to 2:56:00. See also quotations in endnotes 27, 28, and 29 and related text on the flooding issue.

[43] [February 23, 2021 Public Oversight public meeting](#), 29:30 to 30:45; 33:57 to 35:30.

[44] [July 27, 2021 Public Oversight private briefing](#), 2:34:45 to 2:46:00; 2:47:30 to 2:56:00. See also quotations in

endnotes 27, 28, and 29 and related text on the flooding issue.

[45] July 27, 2021 Public Oversight private briefing, 2:34:45 to 2:46:00; 2:47:30 to 2:56:00. Moving the caskets to Sexton would allow the pit of the graves to be filled with dirt, thus minimizing the “swimming pool” problem, as Dr. Stackelbeck noted.

[46] July 27, 2021 Public Oversight private briefing, 2:29:15 to 2:34:15. (Dr. Stubblefield said, “I would appreciate a recommendation from the Public Oversight Committee. What I’m hearing from you is that we should not be having a commemoration and I am concerned to yield to your decision. I agree that there is a bad perception. I share your sentiment that we found something interesting, then almost immediately stopped...I can’t answer your question about who gave the order. I don’t have that knowledge. But I can accept your recommendation about being open to the public (with) going forward Friday or not.”)

After the reburial, an article in the *Tulsa World* described Dr. Stubblefield as saying there was no reason to keep the remains above ground while DNA and “other data” were being analyzed. The City, in the same article, continued to blame the team on the ground for the reburial decision. Nonetheless, Dr. Stubblefield expressly joined with the Committee in asking for a delay of the reburial and a consideration of the Sexton location — actions that would have avoided the traumatic events of July 30. Whatever Dr. Stubblefield’s preferences on reburial in general, such action also was precluded by the re-interment plan which first required a determination of whether the remains were Massacre victims and the completion of forensic analysis.

https://tulsaworld.com/news/local/racemassacre/critics-air-grievances-over-reinterment-of-possible-tulsa-race-massacre-burials/article_38dc20b6-f56d-11eb-a3ef-1b4d213a70c5.html?utm_medium=social&utm_source=twitter&utm_campaign=user-share

[47] July 27, 2021 Public Oversight private briefing, 2:56:00 to 2:57:30.

[48] On August 2, 2021, the Mayor’s deputy sent a long email to the Oversight Committee. It was largely bureaucratic busywork that created the mere appearance of substance. Most of it was just a link to videos of prior Oversight meetings that the members already possessed. It was condescending in treating the Committee like children who could not remember the events through which they had already lived.

[49] “Watch Now: Exhumed remains reburied at Oaklawn amid protests from Greenwood descendants,” *Tulsa World*, July 30, 2021, updated Sep. 6, 2021, at https://tulsaworld.com/news/local/racemassacre/watch-now-exhumed-remains-reburied-at-oaklawn-amid-protests-from-greenwood-descendants/article_3b04fb58-f08e-11eb-95c1-d78bc2d50b27.html; “Descendants of Tulsa Race Massacre victims protest reburial of mass grave remains,” *Washington Post*, August 3, 2021, at <https://www.washingtonpost.com/history/2021/08/03/tulsa-mass-grave-reburial-protest/>

[50] July 27, 2021 Public Oversight private briefing, 1:49:15 to 1:50:50.

[51] <https://www.washingtonpost.com/history/2021/08/03/tulsa-mass-grave-reburial-protest/>;
<https://www.sfgate.com/news/article/Descendants-of-Tulsa-Race-Massacre-victims-16359958.php>

[52] Oklahoma Statutes Title 63. Public Health and Safety, Sec. 63-1-319,

<https://www.ok.gov/health2/documents/Title%2063%2011-1-19.pdf>. The re-interment plan, presented in January 2021, debated in February, and approved in March is available at <https://www.cityoftulsa.org/media/15407/oversight-committee-meeting-slides-1-28-21.pdf>.

[53] Even if a permit to disinter had been requested and granted, there is nothing in the statute or the permit form that would have imposed a July 30 deadline. Thus, the Mayor's press release was misleading at multiple levels. Oklahoma Statutes Title 63. Public Health and Safety, Sec. 63-1-319, <https://www.ok.gov/health2/documents/Title%2063%2011-1-19.pdf>. The Mayor's press representative also leveraged the permit alibi by emphasizing that it was "filed" with the Tulsa County District Attorney's Office. Sending something to the District Attorney had absolutely no legal significance. It was equivalent to saying "we put something in a file cabinet."

[54] Oklahoma Statutes Title 63. Public Health and Safety, Sec. 63-1-319 (D).

[55] <https://oklahoma.gov/health/birth-and-death-certificates/birth-and-death-registration-rover/disinterments.html>

[56] For prior consultations, see [January 28, 2021 Public Oversight public meeting](#), 11:00 to 11:54. For Brown's representation, see [January 28, 2021 Public Oversight public meeting](#), 26:40 to 27:55.

[57] February 23, 2021 Public Oversight public meeting, 1:31:20 to 1:33:32 (Bynun speaks).

[58] [July 27, 2021 Public Oversight private briefing](#), 2:29:15 to 2:33:07.

[59] [July 27, 2021 Public Oversight private briefing](#), 1:55:50 to 1:59:45.

[60] <https://www.washingtonpost.com/history/2021/08/18/doj-tulsa-mass-graves-race-massacre/>

[61] [February 23, 2021 Public Oversight public meeting](#), 1:46:25 to 1:47:05 (Ross said, "My main concern is...if anything that should stand up in this whole deal is that we sit on the right side of history this time. For the next hundred years, what we do now, what we say now will haunt the history books. Good or bad."). Hopefully, it's not too late for the good to replace the bad, which for the moment reigns triumphant.

[62] I would like to thank Mark Singer, journalist extraordinaire, for editing this paper and helping to see it through to conclusion. To the gang at the Center for Public Secrets, thanks for all your help and being such a consistent pleasure with which to work. Any mistakes or errors are all mine.