

# Barons Courts of Prestoungrange & Dolphinstoun

Trinity Session: Elizabeth II. 53. 2004. July – November

## JUDGEMENT AND DECLARATOR

[E II. 53. 2004 P&D 01] Authorisation for the production of *the world's first bag pipe opera* known as "TULSA" within the jurisdiction of the Baron Courts of Prestoungrange and Dolphinstoun in honour of The Very Reverend Dr. Charles W. Kerr, 144th Moderator of the Presbyterian Church in the U. S. A. (*daughter church* of the Established Church of Scotland) and Pastor of the First Presbyterian Church (1900–1941) in Tulsa, Oklahoma, U. S. A.:

UPON THE PETITION of Professor Stephen Kerr of Ardgowan, grandson of the late The Very Reverend Dr. Charles W. Kerr, 144th Moderator of the General Assembly of the Presbyterian Church in the U.S.A. (the American *daughter church* of the Church of Scotland), Pastor of the First Presbyterian Church (1900 to 1941) in Tulsa, Oklahoma, U. S. A., who re-moved the insolvent Henry Kendall College to Tulsa in 1907 and was instrumental in re-founding the same as The University of Tulsa, being Member of the tribe Kerr of which the Chiefs of Name were the founding Barons of Prestoungrange becoming Marquises and Earls of Lothian and accordingly seeking authorization in this Our Courts, viz:

1. THAT Professor Kerr was the constant companion of his grandmother, Anna Coe Kerr, widow of Dr. Charles W. Kerr, between Dr. Kerr's death on 18th July 1951 and her own death on 22nd March 1969, during which time the late Mrs. Kerr repeatedly informed her grandson in great detail and specificity about events concerning early day founding of Tulsa and the State of Oklahoma;
2. THAT specifically, Mrs. Kerr informed her grandson in great depth about the events of the 31st May to 1st June 1921 (known as) The Race War in Tulsa, Oklahoma, whose holocaust of the Black population of Greenwood (Tulsa's Black district) constituted a *worse atrocity* than the infamous 10th November 1938 Nazi German **Kristallnacht**: More hapless Greenwood Blacks (over three hundred) were killed in Tulsa than were Jews (some thirty-six) during "Kristallnacht" in all of Nazi Germany.
3. THAT Mrs. Kerr said that the 1921 Tulsa Race War was initiated by the actions of the racist publisher of *The Tulsa Tribune*, Richard Lloyd Jones, who twisted the accidental stumbling of Greenwood Black youth, Dick Rowland, age 19, against a white lift operator when the lift 'jerked' into an accusation of "attempted rape", the worst crime for which an American Black can be accused: Richard Lloyd Jones's front-page article, "Nab Negro for Attacking Girl in Elevator", in the early afternoon edition of the Tuesday, 31st May 1921 issue of *The Tulsa Tribune*, intentionally lied by stating that Dick Rowland had scratched the girl and tore her clothes. Richard Lloyd Jones incited the prospective lynching of this Black youth in his accompanying editorial: "**To Lynch A Nigger Tonight**". After the Tulsa Race War this Black youth who had been falsely accused of attempted rape by *The Tulsa Tribune* was released by Tulsa authorities as *innocent...*
4. THAT Mrs. Kerr said that Richard Lloyd Jones was a Klansman, one of the chief promoters of the Ku Klux Klan in Oklahoma, who later orchestrated the November 1923 impeachment of Oklahoma's anti-Klan Governor Jack Walton which facilitated complete seizure of power throughout the State by the Ku Klux Klan: Upon take-over by the Klan, Oklahoma became

terrorised by hooded Klansmen burning crosses in racial hatred. Richard Lloyd Jones' greatest opponent was Dr. Charles W. Kerr, Pastor of Tulsa's First Presbyterian Church

5. THAT Mrs. Kerr said that the distribution of the early afternoon edition of the 31st May 1921 issue of *The Tulsa Tribune* throughout the business district of downtown Tulsa mobilised the entire business community in central Tulsa to storm down to the Tulsa County Courthouse during the late afternoon and evening of Tuesday 31st May 1921 for the lynching of Dick Rowland as incited by Richard Lloyd Jones' *Tribune* editorial "To Lynch A Nigger Tonight". The growing lynch mob at the Courthouse was composed of many of Tulsa's most upstanding citizens: Oil magnates, bankers, substantial businessmen, professional men, and other prominent Tulsa civic leaders.
6. THAT Mrs. Kerr said that in 'tacit consent' to the prospective lynching of this Black youth incited by *The Tulsa Tribune*, the Tulsa Police vanished from the streets of Tulsa and refused to perform their statutory duties under Oklahoma State Law:
  - 6.A. To arrest Richard Lloyd Jones for inciting a riot and murder of the Black youth;
  - 6.B. To confiscate this inflammatory edition of *The Tulsa Tribune* for inciting riot and the crime of murder i.e., 'Freedom of Speech' under American law does not extend to the incitement of a crime;
  - 6.C. To prevent a lynch mob from unlawfully assembling at the Courthouse for the illegal purpose of a lynching;
  - 6.D. To disperse the lynch mob in the 'Name of the State of Oklahoma' once the lynch mob had unlawfully assembled;
  - 6.E. To request assistance from surrounding local police and good citizens to assist in dispersal of the unlawfully assembled lynch mob; and
  - 6.F. To contact the Governor of Oklahoma in Oklahoma City for the assistance of the State Militia in preserving public order.
7. THAT Mrs. Kerr said that during the early evening hours of Tuesday, 31st May 1921, a group of Black Pastors of Greenwood Churches, whom Dr. Charles W. Kerr had long befriended (contrary to Tulsa's other clergy normal response which was to wipe their hands off on their pants after shaking hands with a Black minister for fear of picking up 'social disease'), telephoned Dr. Kerr at Tulsa's historic Old Manse with the following information:
  - 7.A. In response to the lynch mob rapidly gathering at the Courthouse "To Lynch A Nigger Tonight" as incited by Richard Lloyd Jones' *The Tulsa Tribune* editorial, Black American World War One Veterans, many amongst whom had been decorated by the British, French and Belgian Governments for fighting for democracy on the front lines in France, were organizing themselves in Greenwood to go armed to the Courthouse to offer a lawful resistance sufficient to protect the Courthouse from the lynch mob and to prevent the lynching of the Black youth, Dick Rowland.
  - 7.B. Under Oklahoma law, now codified as Title 21 Oklahoma Statutes §643(3), the Greenwood Black Veterans were *legally privileged* to come armed to offer a lawful resistance sufficient to protect the Courthouse from the unlawfully assembled lynch mob and to prevent this mob from lynching the Black youth, particularly in light of the Police abdication of public authority to the lynch mob.
  - 7.C. The Greenwood Ministers told Dr. Kerr that throughout the afternoon, evening and night of Tuesday, 31st May 1921, the Greenwood Black Veterans had repeatedly telephoned both the Tulsa Police Department as well as the Sheriff's Office:

- 7.D.** The Greenwood Veterans had offered their services to both the Police and the Sheriff to protect the Courthouse from the lynch mob, to prevent the lynch mob from breaking into the Courthouse to lynch Dick Rowland, and to ensure that Dick Rowland would live to stand trial. The Greenwood Veterans were confident that even an all-white Tulsa jury would acquit Dick Rowland of the charges made.
- 7.E.** The response of the Tulsa Police Department was entirely *non-committal*: The Police refused to say what actions they would or would not take.
- 7.F.** As there had been a previous lynching within the past year in Tulsa where a lynch mob had broken into the Courthouse with the ‘tacit consent’ of the Police, who then proceeded to direct traffic to and from the lynching site as if it were a public carnival; the Greenwood Veterans finally told the Tulsa Police that they would be coming armed to the Courthouse to defend it from the growing lynch mob:
- 7.G.** The Greenwood Veterans also told the Police that they would be wearing their old World War One uniforms and decorations as visible evidence that their sole intent was to uphold the law, order, and due process of law guaranteed all Citizens under the American Constitution and explicitly extended to Black Americans under the Fourteenth Amendment.
- 7.H.** The Tulsa Police Department had specific “actual notice” of the lawful intentions of the Greenwood Black Veterans to uphold the American Constitution which the Police *themselves* were refusing to uphold.
- 7.I.** The Greenwood Pastors also told Dr. Kerr that that they had also repeatedly telephoned the Tulsa Police Department and the Sheriff’s Office during the afternoon, evening, and night of Tuesday, 31st May 1921, *repeatedly requesting* the Police to disperse the lynch mob at the Courthouse and informed the Police of the intention of the Greenwood Veterans to go armed to the Courthouse to offer a lawful resistance sufficient to protect the Courthouse from the lynch mob and to prevent the murder of the Black youth, Dick Rowland. The response of the Tulsa Police Department was *completely non-committal*.
- 7.J.** In light of recent past lynchings and other atrocities in Tulsa, the Greenwood Pastors felt that the Tulsa Police were ‘tacitly consenting’ to the prospective lynching of Dick Rowland, the 19 year old Black youth, incited by *The Tribune’s* editorial: “To Lynch A Nigger Tonight”.
- 7.K.** The Greenwood Pastors told Dr. Kerr that they feared mass violence if the armed Greenwood Veterans were to confront the white lynch mob at the Courthouse; The Greenwood Pastors were unsuccessful in dissuading the Greenwood Veterans from going armed to the Courthouse: The Greenwood Veterans told their Pastors that if they were considered ‘good enough’ by the American Federal Government to fight for democracy in France, that Blacks ought to be ‘good enough’ to receive the same democracy from American governments in Tulsa and Oklahoma.
- 7.L.** The Greenwood Pastors requested Dr. Charles W. Kerr as the Dean of Tulsa’s clergy (Rev. Kerr became Pastor of Tulsa’s First Presbyterian Church on 10 February 1900 and was without ‘competition’ until the Baptists established a permanent congregation in 1906), and as the most respected man in Tulsa. to go down to the Courthouse and to attempt to disperse the growing lynch mob *before* the armed Greenwood Veterans reached the Courthouse: The Greenwood Pastors felt because Dr. Kerr was a well-known evangelical preacher who had frequently preached at many other churches through out Tulsa and held many open-tent revivals, that Dr. Kerr possessed the needed *moral authority* to disperse the lynch mob
- 8.** THAT Mrs. Kerr said following the above telephone conversation that Dr. Kerr, as an ordained Scots Presbyterian Minister, declared to his assembled family that “*Sometimes a minister is called upon actually to **live up** to what he preaches. To do otherwise would be cowardly and the denial of my entire tartan-clad Scots Presbyterian Calvinist heritage brought over from Bonnie Scotland.*”

- 8.A.** Mrs. Kerr said that because Dick Rowland was the same age (19) as their own son, Hawley, that Dr. Kerr also stated, *“What if that young man was Hawley? Wouldn’t you want some other Minister to try, at least, to save him from being lynched? The fact that this young man is coloured and Hawley is white makes absolutely no difference to Jesus. Whom did The Master say was our Neighbour? That young man in the County Courthouse who is now about to be lynched is as much a son of the Father as is Hawley.”*
- 8.B.** Because Mrs. Kerr was fearful that the lynch mob might turn on him and lynch him beside the Black youth, Dr. Kerr asked, *“Would you have me act as the Priest and Levite in the Parable and pass by this young man or do you want me to act as the Good Samaritan to try and save this young fellow? You married me precisely because I was going to spread the Gospel and witness to Jesus’ Truth. Do you want me to turn my coat on Jesus and His Gospel? Would you have me be anything less than what Jesus expects me to be as a Scots Presbyterian minister of His Gospel? Or would you rather have me act like an oilman?”*
- 8.C.** Before leaving for the Courthouse, the entire family knelt together – Dr. and Mrs. Charles W. Kerr, Hawley, and Margaret – held hands and prayed together for a long time: Margaret, age 16, cries *“This may be the last time we’ll ever pray together as a Christian Family.”* Dr. Kerr told Grandmother. Kerr, *“I believe that the Crowd at the Courthouse will respect my character as a Minister of the Gospel. But should they not, we will all meet merrily in Heaven knowing that we have passed this ‘test’ to which The Master is calling me to meet this night.”*
- 8.D.** Grandmother Kerr finally agreed that if Dr. Kerr was to remain faithful to his Gospel Commission, he must act in this situation as Jesus was calling him to do so – to save the innocent Black youth at the Courthouse from being lynched by racist Tulsans. It is agreed that Hawley was to drive Dr. Kerr to Courthouse but to remain safely in the car at all times: Hawley plead, *“Dad, don’t do it!”* Putting on his trademark Prince Albert frock coat and picking up his Bible, Dr. Charles W. Kerr merely commands, *“Come, Son, Jesus is waiting for me at the Courthouse.”*
- 9.** THAT Mrs Kerr said upon arrival at the Courthouse that Dr. Kerr discovered a huge threatening lynch mob of thousands of well-dressed oilmen and leading citizens of Tulsa, howling for the Sheriff to release the “Nigger boy” to them for lynching and threatening the Courthouse if he didn’t.
- 9.A.** At the Courthouse the assembled lynch mob was large and furious. Hawley wanted to turn back. Dr. Kerr tells him to keep his eye on Jesus rather than on the lynch mob: *“Have faith, son, and leave Jesus to handle the lynch mob.”* Hawley wanted to go with him, but Dr. Kerr refuses: *“Son, I may well be making your Mother a widow tonight by what I am about to do, but I do not want to take her only son with me. Never attempt to avenge my death, Son; leave that to the Justice of God.”* Giving Hawley a firm handshake, Dr. Charles W. Kerr told Hawley not to interfere if the lynch mob turns upon him, but to return home immediately: *“I may be called upon by The Master to die tonight in witness to His Gospel, but I want to leave you to take care of your Mother and Sister and to continue our honourable name: Remember, Jesus will see us through everything.”* Handing Hawley his gold pocket watch and chain, Dr. Kerr placed his hand on Hawley’s shoulder, *“Son, here is something by which to remember me. Wear it always with pride.”* Wearing his ‘trademark’ long Prince Albert frock coat and armed only with Bible, Dr. Charles W. Kerr got out of the car and turned to face the lynch mob.
- 9.B.** Immediately recognising Dr. Kerr as a ‘man of the cloth’ and perhaps the most publicly respected man in Tulsa, the lynch mob parted before Dr. Kerr – like the Red Sea did before Moses – to let him through. Walking through the lynch mob to the Courthouse steps, Dr. Charles W. Kerr recognised most of the people in the crowd: : Many of the big oilmen, the most important businessmen and the leading bankers, the City’s civic and social leaders, Tulsa’s ‘builders’ and ‘boosters’ – the type of broad-beamed ‘civic-minded’ solid citizens (wearing multiple civic lapel pins) called upon to head up community drives and civic appeals. Dr. Kerr declared that they

were definitely not white trash – at least *poor* white trash. Members of this socially prominent lynch mob of leading Tulsans hid their faces and slunk into the shadows or behind others when they saw that Dr. Kerr recognised them: The *entire community* without exception – sheep from *every flock* – was guilty of the crime about to be committed. Grandmother said that their names would be found amongst the membership rolls of all the downtown churches and the City’s most exclusive country clubs: Members of all of Tulsa’s Christian dominations *without exception* were amongst the lynch mob on that May night: Of all the various faiths in Tulsa, only the Jews were absent from the Courthouse that long ago night late in May. (Dr. Kerr met monthly with Tulsa’s elderly Rabbi to keep in practice with his Hebrew.)

**9.C.** Mounting the Courthouse steps Dr. Kerr made his way to the top step. Turning, Dr. Kerr surveyed the lynch mob – as if from a pulpit: Noticing that Dr. Kerr had recognised them, some civic leaders ducked down behind those in front, other prominent Tulsans pull hats down to shield their faces, still others move into the shadows to escape recognition. Dr. Kerr called for silence. His *moral authority* as Minister of the Gospel was recognised by all Tulsans, even the wealthiest. The top of the Courthouse steps was vacated for him. Hooting and hollering diminish: Dr. Charles W. Kerr was noted for evangelical preaching, fervent soul saving, and compelling altar calls. The lynch mob was willing to allow him to present his case. But as some in the crowd yell, “Preacher, it had better be good or you will join that Nigger.”

**9.D.** Dr. Kerr began the most important sermon of his life with the Story of Susannah and the Elders – the attempt to frame an innocent person thwarted by Daniel: “This is the exact situation we have here tonight.” He compared *The Tulsa Tribune’s* incitement with the Elder’s accusations against Susannah. Daniel proved her innocence! “Allow this youth a fair court trial to do the same” Dr. Kerr demanded. ‘God damns’ were uttered by the lynch mob. These elite Tulsan business, social, and civic leaders weren’t in any mood to be deprived of their prey. Dr. Kerr turned to Crucifixion story. He compared this situation at Courthouse to the scene before Pilate’s palace. He compared the Tulsans at the Courthouse to the Mob before Pilate’s Palace demanding the death of an Innocent Man. Pilate clearly recognised the innocence of Jesus. ‘What is truth?’, asks Pilate. ‘Jesus is the Way, the Truth, and the Light!’, answered Dr. Kerr in a ringing voice: “In Jesus’ Name before which every knee must bend”, he implores this Tulsa lynch mob of the City’s best citizens to let the law take its course and judicially to determine the guilt or innocence of the accused youth. But like the crowd before Pilate’s Palace, this lynch mob of socially prominent Tulsa civic leaders yelled back, “Let’s have *your trial* now, Preacher!”

**9.E.** Dr. Kerr pointed out that actual evidence against the youth was flimsy and he was not accused of actually committing any act of rape. “Could this incident have been an accident? Elevators are notorious for ‘jumping’; this is a common experience. Let the Court determine: Don’t do what Pilate did and judicially murder an Innocent Man,” appeals Dr. Kerr. Someone yelled, “Preacher, if he’s a *Nigger*, he’s *guilty* !” This entire crowd of prominent Tulsans yowled with approval. Dr. Kerr next turned to the story of the Woman Taken in Adultery; the attitude of Jesus. He asked who among them is ready to cast first stone? Dr. Kerr pointed out that that crowd had probably all sinned with the women. “All are guilty and fallen short of the Glory of God”. Dr. Kerr challenged this lynch mob of Tulsa’s most prominent citizens: “How many here have never attempted to take ‘liberties’ with a girl?” No answer. In frustration, a Tulsan from bottom of Courthouse steps spat tobacco at him. Dr. Kerr then reminded this lynch mob of prominent racist Tulsans and wealthy oilmen what the Crowd before Pilate’s Palace said: “Let the blood of this Man be upon us and upon our children.” In a ringing voice Dr. Charles W. Kerr told the lynch mob that the Judgement of God would befall them and the entire Tulsa community if they actually lynched an innocent man – even if he was coloured. Dr. Kerr told the lynch mob that the deliberate murder of an innocent man will incur Blood Guilt before God upon them, their descendants, and the entire city of Tulsa. Such blood guilt incurred by the *murder of an innocent man* can never be extirpated even by the passage of time.... Murmuring, swearing and cursing from the crowd.

- 9.F.** Dr. Kerr reminded this lynch mob of Matthew 25: If they murder an innocent man, they will be murdering Jesus, Himself. Confronting them with their *own evil*, he quoted Scripture, “Whatsoever ye do unto to the least of My brothers that ye have done unto Me.” As angry as the Prophet Jeremiah, Dr. Kerr stepped forward with his open Bible to confront the lynch mob and not caring about what they might do to him threatens the lynch mob in a loud voice: “The blazing Wrath of God will fall upon every one of you on Judgement Day: Every last one of you here at this Courthouse will all be cast into Fiery Pit – ‘where the worm turneth not.’ ‘Lord, Lord,’ you may cry, ‘When did we lynch You?’ – And He will answer ‘You lynched Me at the Tulsa County Courthouse on Tuesday, the last night of May in the one thousandth, nine hundredth and twenty-first year of My Birth: Depart together from Me forever for I know ye not!’” At this point the lynch mob became quiet with apparent fear of Hell Fire.
- 9.G.** Dr. Charles W. Kerr concluded by telling the lynch mob that they might succeed, indeed, in breaking into the Courthouse and in lynching the accused youth ... but that they would have to do so over his dead body as Minister of the Gospel of Jesus Christ ! Standing on the top step of the Courthouse with his open Bible in hand, Dr. Kerr physically blocked the Courthouse Door with his own body. The sullen lynch mob began to slink away cursing at being thus thwarted ... beginning with those prominent Tulsans who knew Dr. Kerr had recognised them. Dr. Kerr stayed on the top step of the Courthouse with open Bible in hand for quite some time to ensure that the lynch mob actually departed and that the Courthouse and the Black youth inside were safe.
- 9.H.** Bone weary, Dr. Charles W. Kerr decided that he could do no more. When Dr. Kerr and Hawley returned to the Old Manse, they found that Mrs. Kerr and Margaret had been on their knees the entire time praying for their safety. Dr. Kerr told Mrs. Kerr that the lynching of the Black youth had been averted, but that he had a strange premonition that something *far more dreadful* was in the process of happening.....
- 10.** THAT Mrs. Kerr told that following a Tulsa Grand Jury Report, which blamed the Greenwood Blacks for causing the Race War by demanding their constitutional rights, that Dr. Kerr commissioned four senior lawyers (of Scots descent) from his Congregation to investigate the true facts surrounding the instigation of the Race War and the applicable law:
- 10.A.** After being dispersed from the Courthouse by Dr. Kerr, the sullen lynch mob encountered the troop of armed Greenwood Black Veterans coming to offer a lawful resistance sufficient to protect the Courthouse from the lynch mob and to prevent them from murdering Dick Rowland, the innocent Black youth falsely accused by *The Tulsa Tribune*. Coming directly from their downtown offices and dressed in business clothes, the lynch mob was out-gunned by the armed Greenwood Veterans. A member of the lynch mob attempted to seize a gun carried by a Greenwood Veteran who naturally refused. Shots were fired. Frustrated at being openly defied by armed Black men, this lynch mob of Tulsa wealthiest and most prominent citizens stormed down upon the Police Station.
- 10.B.** Descending upon the Police Station this lynch mob demanded from the Police the opportunity “to put down the Niggers” in Greenwood: The Police were completely overwhelmed by the unexpected presence of Tulsa’s most prominent citizens. Stampeded by the collective social, economic, and civic status of the lynch mob as Tulsa’s leading citizens, the Police bent over backwards to accommodate their demand: To create the needed ‘justification’ for the pleasure of Tulsa’s wealthiest citizens, the City Government labelled the lawful actions (see 21 O.S. §643(3)) of Greenwood World War One Black Veterans going to the Courthouse to offer a lawful resistance sufficient to protect the Courthouse from the lynch mob and to prevent them from murdering the falsely accused Black youth to be a **‘Negro Insurrection’**. And to suppress this *non-existent* ‘Negro Insurrection’, the City of Tulsa waged a public law war against the entire Black population of Tulsa murdering hundreds of unarmed Blacks and burnt Greenwood to the ground.

- 10.C.** Mrs. Kerr said that the founder of Tulsa, J. M. Hall, a Presbyterian Elder, told Rev. and Mrs. Kerr when they moved to Tulsa in February 1900 that Tulsa was founded in 1885 at the conjunction of the Frisco Railroad running east to west and the Midland Valley Railroad running north to south. At the time of Tulsa's founding Blacks chose to settle in the corner north of the Frisco tracks and west of the Midland Valley tracks. This is the Greenwood Black district. Downtown Tulsa begins south of the Frisco Tracks, and Tulsa's elite all-white residential district is south of the business district. J. M. Hall said that at the time Tulsa was settled that no one particularly cared that the Blacks chose to settle in the north-west corner of this rail juncture.
- 10.D.** Mrs. Kerr said that the entire situation changed after the discovery of oil in Glenpool fifteen miles south of Tulsa in 1901. This discovery immediately transformed Tulsa from a sleepy rail junction town into an oil 'boom town'. The city's population rapidly expanded as did the need for transportation facilities: Rail transport was the only feasible means for moving people, supplies, industrial and oil field equipment, crude petroleum, and refined oil products from Tulsa's two oil refineries. At this point Tulsa's leading oilmen, bankers, businessmen, and civic leaders began coveting the Greenwood Black District located in the north-west corner of the conjunction of the Frisco and Midland Valley rail lines for conversion into an industrial, oil field supply, and warehouse district and rail switch yard. Numerous approaches had been made by Tulsa's civic leadership in the 'tens of the Twentieth Century to persuade the Black population to vacate Greenwood for 'the good of the community'. The Greenwood Blacks had always refused because they would have no place to live: Tulsa's 'Jim Crow' laws forbade Blacks (other than servants) to live in all-white south Tulsa; and the Blacks needed ready access to their service jobs in Tulsa. Rather, the Blacks built Greenwood up into the finest Black residential district in the United States – known nationally as 'The Black Wall Street'. As there was no legal way to force the Blacks out of Greenwood, Tulsa's civic leadership was forced to put its long-desired conversion of Greenwood into an industrial and warehouse district on the 'back burner'.
- 10.E.** Given this historical background, the investigation of the four lawyers from Dr. Kerr's Congregation discovered during the planning of the City's invasion of Greenwood the night of Tuesday, 31st May 1921; that Tulsa oilmen, civic leaders, and other prominent lynch mob members influenced the Police to target for deliberate arson those areas of Greenwood running parallel to the Midland Valley Railroad track long coveted by Tulsa's civic leadership for conversion into an industrial supply and warehouse district ... by running in rail spurs off the main track:
- 10.F.** Following this 'meeting of the minds' to 'clear out' Greenwood of its Black population to make way for the construction of the Tulsa civic leadership's long-desired warehouse, industrial supply, and rail yard district the responsible Tulsa City Officials rapidly assembled a city army to suppress this *non-existent* 'Negro Insurrection'. This army consisted of (1) some five hundred members of the original Courthouse lynch mob of wealthy prominent Tulsans who were immediately specially commissioned as 'Emergency Police Deputies'; (2) entire units of local Tulsa vigilante groups, such as the World War 'Home Guards' (formed to hold off the Kaiser's Army if it reached Oklahoma); and (3) thousands of local gunmen responding to the City's word-of-mouth summons to serve as a "City Posse" under State law.
- 10.G.** To provision its 'city army', the Tulsa City Government broke into hardware stores and 'commandeered' guns and ammunition. The city army was formed into operational units under the command of regular policemen. From its own supplies the City of Tulsa supplied this 'city army' with copious amounts of petrol in sufficient quantities with which to arson every home, church, and business in Greenwood ... to 'clear out' the Black Population for the long-proposed industrial supply and warehouse district desired by Tulsa's civic leadership.
- 10.H.** Each operational unit of the 'city army' was assigned a specific area of Greenwood to arson and given large tins of Petrol by the City Government for this purpose. The *modus operandi* of this Tulsa 'city army' was to force the Black inhabitants of Greenwood out of their homes,

churches, and businesses at gun point. The Blacks were then forced marched to city concentration camps in the animal pens of the local fairground.

- 10.I.** The City Government further instructed units of this ‘city army’ to break into every Black home, business and church. They were instructed to pile mattresses and couches in the centre hall of each Black home, slosh them with petrol from the City of Tulsa’s own supplies, and to ignite the same. This procedure was repeated systematically throughout the entire Greenwood Black district until Greenwood was a smoking rubble.
- 11.** THAT the four Presbyterian lawyers (of Scots descent) from Dr. Kerr’s church discovered that the ‘city army’ acting to suppress the non-existent ‘Negro Insurrection’, yielded the following results:
  - 11.A.** Well over 300 unarmed Greenwood Blacks were murdered in cold blood and some 800 more Blacks were severely injured. The City Government gave deliberately deflated figures: “After all, Dr. Kerr, they were only Niggers”, as one City Official later told Dr. Kerr.
  - 11.B.** 1,200 Black homes and 23 Black churches were maliciously burnt to the ground.
  - 11.C.** 35 city blocks of the prosperous Greenwood Black business district, known as “The Black Wall Street”, were arsoned by the City of Tulsa.
- 12.** THAT Immediately upon learning of the City’s invasion and devastation of Greenwood, Dr. Charles W. Kerr rang up his First Church Sexton and told him to open the First Presbyterian Church at Seventh and Boston as a sanctuary for refugee Blacks – on the model of the old Holyroodhouse Sanctuary in Edinburgh. Dr. Kerr also authorised Church funds to be used to feed and care for these Black refugees. Then Dr. Kerr rang up various Black Ministers and leaders around Greenwood telling them that his Church was a sanctuary which would welcome all who need refuge.
  - 12.A.** Early the next morning of Wednesday, 1st June 1921, still clad in his trademark Prince Albert frock coat, Dr. Charles W. Kerr went to his First Presbyterian Church at Seventh and Boston to minister to the Greenwood Refugees taking sanctuary.
  - 12.B.** The Black refugees huddled in his church told Dr. Kerr horrifying stories of deliberate atrocities inflicted upon them by the armed forces of the City of Tulsa with the full cooperation of the Tulsa City and County Authorities, including the following:
    - (1) Deliberate murder of a pregnant Black wife and mother by Tulsans “just for meanness” – Tulsans blew her head off with a shotgun
    - (2) Deliberate murder by Tulsans of Black parents of small children;
    - (3) Deliberate arson of Black churches with Black refugees inside by ‘specially commissioned’ Tulsa ‘Emergency Police Deputies’ who shot Black refugees attempting to leave the burning churches;
    - (4) Systematic burning of Black homes block by block by Tulsa ‘specially commissioned’ armed forces;
    - (5) Malicious looting of Black homes by Tulsa authorities;
    - (6) Burning of Black People *alive* inside their own homes by ‘T-Towne’ Tulsans – just for ‘kicks’
    - (7) Police ‘deputies’ preventing firemen from extinguishing fires in Black-owned property;
    - (8) Tulsa authorities massacring unarmed Black refugees with machine guns;
    - (9) Tulsans spitefully burning Black-owned cars just for “*meanness sake!*”
    - (10) Regular Tulsa Police cheering on the City’s armed forces as they devastated Greenwood;



- (11) Tulsa “special Police deputies” dragging a dying Black man behind their car through the streets of downtown Tulsa.;
- (12) Blacks in chains being pulled through streets of Tulsa double time behind cars and motorcycles by Tulsans to detention centres;
- (13) Tulsa Police attacking fleeing unarmed Black refugees from the air with machine guns from commandeered aeroplanes;
- (14) High explosive bombs, sticks of dynamite and inflammable materials being dropped on Black homes and businesses in Greenwood by Police commandeered aeroplanes.
- 12.C.** Dr. Charles W. Kerr gave the suffering Black People taking refuge in the First Church’s sanctuary his solemn word of honour that he would do *everything in his power* to insure that they got paid for all their damages, including the murder of their loved ones, as well as to receive all of the rights which President Lincoln, General Grant, and the Union fought for them to have during the American Civil War.
- 12.D.** Dr. Kerr promised to ask his Elders of Tulsa’s First Presbyterian Church to take the leading role in securing Justice for the oppressed Coloured People of Greenwood from the City of Tulsa: Dr. Kerr said that he would ask the Session (of Elders) to issue a *Community-wide call* to all decent people living in Tulsa *to rectify* the gross injustices done to Greenwood’s racially oppressed Black People by paying full compensation for the wrongful deaths and property damage.
- 12.E.** Dr. Kerr also promised the Greenwood Blacks taking sanctuary in his First Presbyterian Church that he would personally ask the City Officials and business and civic leaders to pay full restitution for their malicious destruction of Greenwood.
- 13.** THAT in the company of an Officer of the State Militia Dr. Kerr went to inspect the complete devastation of Tulsa’s Greenwood Black District. During his inspection of Tulsa’s Greenwood Black District, Dr. Charles W. Kerr was absolutely appalled at seeing the following *direct evidence* of the mass murder of Greenwood Black People committed by the agents of the City of Tulsa executing the City’s policy of suppressing a *non-existent* ‘Negro insurrection’:
- (1) Through out his inspection of Greenwood, Dr. Kerr smelled burning human flesh;
- (2) Dr. Kerr saw Black bodies stacked on the north end of the old Convention Hall; Garbage men were bringing bodies of Blacks murdered by Tulsans in on trash trucks.
- (3) Through out his inspection of Greenwood Dr. Kerr saw hundreds of Black bodies stacked up on street corners being hauled away in trash trucks;
- (4) Dr. Kerr also saw truck load after truck load filled with the bodies of the dead Greenwood Blacks ... headed for destinations unknown: (These actions made it clear to Dr. Kerr that the identification of these murdered Blacks was being *suppressed deliberately* by the City Authorities to cover up all evidence of their crimes; Without proper identification of these dead Blacks.)
- (5) Dr. Kerr learned from the white trash men picking up corpses that the bodies of many murdered Blacks were being taken to potters’ fields as well as being buried in open fields. No attempt was made to identify or even count any on the hundreds of dead Blacks. This left *no corpus delecti* to be found later as evidence of the City’s racial;
- (6) Dr. Kerr saw mass trench graves being dug at the Oaklawn and Rosehill Cemeteries:
- (7) Dr. Kerr saw the bodies of hundred of unidentified Blacks being hastily dumped into such mass graves and unceremoniously covered with dirt. Although the bodies were searched for valuables, no attempt was made by the City Authorities to identify any of the dead.
- (8) Elsewhere in Greenwood Dr. Kerr watched as trenches were dug in fields and filled with dead Black People murdered by the City of Tulsa;

(9) Dr. Charles W. Kerr was particularly incensed when the City Authorities forbade him to say the rite of Christian Burial for the murdered Blacks who were being buried in unhallowed ground;

(10) Dr. Kerr saw hundreds of Black educators and ministers being marched double-time by Tulsans to detention centres as if they were prisoners-of-war;

(11) With great indignation Dr. Kerr saw white Tulsans gleefully ran alongside Tulsa's Black Prisoners-of-war in mock imitation, calling them "Niggers, Coons, Jigaboos, Shinola's" and so forth;

(12) When Dr. Kerr attempted to give water from a garden hose to one group of captive Blacks, an angry white Tulsa woman comes out and turns hose off, "I don't want to run up my water bill for no Niggers." Dr. Kerr paid this Tulsa woman a dollar to turn the water back on.

(13) Allowed to accompany a group of captive Blacks to the fairgrounds Dr. Kerr finds that they are being housed in hog and cattle pens;

(14) After requesting the use of State Militia tents for the Black Captives, Dr. Kerr is refused on the grounds that the Blacks might infect them with 'social disease';

(15) Dr. Kerr noticed that all able-bodied Black Men were conscripted by the State Militia into forced labour battalions to dig graves for fellow Blacks murdered by the City Government.

(16) Dr. Kerr was told by the driver of a private truck commandeered by the City of Tulsa that fleets of trucks were assigned to take hundreds of Black bodies to be dumped down abandoned coal mine shafts at the Scales coal mines.

(17) At the fairground concentration camp for the Greenwood Blacks, Dr. Kerr noticed a hungry little Black boy of about two pulling at a young Black mother in an obvious daze. An older woman with her told Dr. Kerr, "She and the boy were forced out of her house by Tulsa gunmen. Her husband was hurt real bad. One of them Tulsa men saw her new baby boy in a crib and done blasted that poor baby away with a shotgun. How can Tulsa people do such a thing to a poor little baby – even if he was Coloured?"

- 14.** THAT Dr. Charles W. Kerr discovered a conspiracy among the City Government and Tulsa's civic leadership to force the devastated Greenwood Blacks into selling their arsoned properties for a pittance to a consortium of Tulsa's oilmen, business and civic leaders ...planning to convert Greenwood into a '*Negro-free*' industrial supply and warehouse district for their own enrichment:
- 14.A.** Speaking for Tulsa's racist civic leadership, Richard Lloyd Jones wrote in the 4th June 1921 *The Tulsa Tribune*: 'IT MUST NOT BE AGAIN': "Such a district as the old 'Niggertown' must never be allowed in Tulsa again. It was a cesspool of iniquity and corruption. ... In this old 'Niggertown' were a lot of bad niggers and a bad nigger is about the lowest thing that walks on two feet. Give a bad nigger his booze and his dope and a gun and he thinks he can shoot up the world. And these four things were to be found in 'Niggertown' – booze, dope, bad niggers and guns."
- 14.B.** 7th June 1921 *The Tulsa Tribune* declared, "The suggestion of the Real Estate Exchange that the negro district be moved out further, the present burnt-over area to be given over to industry and switch tracks is a sensible one. If Tulsa business is to expand, the ground occupied by the section now in ashes is by all odds one of the most necessary to such expansion."
- 14.C.** To pressure these impoverished Blacks to sell their ruined properties to this consortium at 'fire sale' prices, the City of Tulsa almost immediately enacted a 'Fire Ordinance' designed to prevent these racially oppressed Blacks from re-building their homes and businesses in Greenwood.
- 14.D.** To pressure the Greenwood Blacks into selling their burnt out properties for a 'song' to this consortium, Tulsa's white racist civic leadership meanly refused all outside donations from the North to assist the devastated Blacks in rebuilding Greenwood.

- 14.E.** Tulsa’s wealthy white banks ‘red-lined’ Greenwood by denying even employed Blacks re-building loans to force these arsoned Blacks into selling their burnt out properties to this consortium for a trifle.
- 14.F.** Tulsa’s civic leadership desired for the Blacks to re-settle on raw farmland far to the north of Tulsa ... and outside the city limits ... so that Tulsa would be ‘*Negro Free*’.
- 14.G.** Dr. Charles W. Kerr exposed this conspiracy to his many friends among the Greenwood Pastorate, who convinced their flocks not to ‘sell-out’ to this oil-wealthy consortium hoping to profit from their tragedy.
- 15.** THAT the four senior lawyers of Scots descent from Dr. Kerr’s First Presbyterian Church were of the opinion that the City of Tulsa’s assertion that the lawful actions of the Greenwood Black Veterans constituted a “Negro Insurrection” was a deliberately contrived ‘justification’ for putting Tulsa’s Greenwood Black District to flames and has perpetually instituted the permanent denial of justice to Greenwood’s aggrieved Black Population due to constitutional peculiarities of the American legal system:
- 15.A.** Under the American Constitution system of the ‘division of governmental powers’, American courts are constitutionally required to give *judicial deference* to official executive acts of public officials made within the scope of their official ministerial discretion: American courts cannot substitute their own opinion of a situation for that made by public officials on site. The only action capable of overcoming such *judicial deference* would be a Congressional Declaration *officially repudiating* such discretionary executive actions as a ‘deliberate’ legal error or a ‘deliberate’ legal wrong.
- 15.B.** Accordingly, because American courts must give *judicial deference* to the City’s assertion of a ‘Negro Insurrection’, the Greenwood Blacks are perpetually barred from receiving effective legal relief *until* the American Congress enacts a Declaration refuting this assertion as a ‘deliberate’ legal error or wrong by the City of Tulsa in violation of the Federal constitutional and legal rights of the Greenwood Blacks
- 15.C.** The City Government’s ‘*deliberate*’ legal error in asserting there was a ‘Negro Insurrection’ perpetually instituted the beginning of a *continuing legal situation*, which renews itself – *continually, perpetually, and repeatedly* – each day that such *judicial deference* by the Courts must continue to be given thereto.
- 15.D.** Such *judicial deference* to the City of Tulsa’s assertion of a ‘Negro Insurrection’ continually prevents the injuries inflicted by the City of Tulsa upon the Greenwood Blacks from ever becoming *res judicata* or over-and-done-with.
- 15.E.** This *continuing legal situation* in turn prevents the running of any ‘statute of limitations’ on the sufferings of the Greenwood.
- 15.F.** This *continuing legal situation* permanently denying effective legal relief to the racially oppressed Greenwood Blacks injured by the City of Tulsa during the 1921 Tulsa Race War, will continue unabated until the American Congress enacts a Congressional Declaration:
- Declaring the City’s characterization of the lawful actions of the Greenwood Veterans under Oklahoma Law (21 O.S. §643(3)) as a ‘Negro Insurrection’ to be a ***deliberate legal error***; and
  - Declaring the City’s violent suppression of this *non-existent* ‘Negro Insurrection’ to be a ***deliberate legal wrong***
- 15.G.** Because the City of Tulsa’s *deliberate legal error and wrong* conceal a strong case for the recovery of damages by the injured Greenwood Blacks under §1 of the Federal 1871 *Ku Klux Act* for racist injuries inflicted upon Blacks by local racist American city and county units of

government, any *future* enactment of the needed Congressional Declaration will ‘discover’ this case which presently lies hidden behind the City’s assertion of a ‘Negro Insurrection’.

- 16.** THAT *in the manner of John Knox denouncing iniquity* Dr. Charles W. Kerr boldly confronted Tulsa’s entire collective Tulsa big ‘oil’ establishment to their face with their own evil – *as John Knox did Mary, Queen of Scots* – to denounce their iniquity for destroying Greenwood to ‘clear out’ the Black population in order to construct an industrial supply and warehouse district on this site for their personal enrichment and to demand payment of full compensation for the Greenwood Black People murdered and devastated by the City of Tulsa during the infamous 1921 Tulsa Race War.
- 16.A.** Having no Honour and valuing everything only in terms of money, the nouveau riche Tulsa civic leadership adamantly refused to pay the full compensation demanded by Dr. Kerr for the wrongful deaths of the Greenwood Blacks and property damage inflicted by the City of Tulsa upon the Greenwood Black Community.
- 16.B.** Although Dr. Kerr later privately requested the Harding Administration for a Congressional Investigation of the 1921 Tulsa Race War with the aim of obtaining the enactment of the needed Congressional Declaration so that the racially oppressed Greenwood Blacks might receive effective legal relief through the Federal Courts, nothing came of Dr. Kerr’s initiative.
- 16.C.** However, in 1932 when Dr. Kerr was elected 144th Moderator of the General Assembly of the Presbyterian Church U.S.A., jubilant Black Presbyterians presented Dr. Kerr with a special “Ivory African and American Negro Gavel” made from the tusk of an African elephant in recognition of Dr. Kerr’s confrontation of Tulsa’s Courthouse lynch mob to save a young Black man’s life and his later attempts to secure substantive justice for the racially oppressed Greenwood Blacks following the 1921 Tulsa Race War:

The presentation of this special ‘Ivory Negro Gavel’ to Dr. Charles W. Kerr is recorded in *The Presbyterian Magazine*, Volume 38, Number 7, July 1932, “The 144th General Assembly”, p. 341 at p. 342 re: “Historic Gavels”, as follows:

*“The Rev. I. W. Underhill, a Negro minister from Corisco Presbytery, Africa, presented an ivory gavel made from the tusk of an elephant which had been killed just before he left. He expressed regret that he could not bring the whole elephant as an expression of appreciation to Dr. Kerr for his work for Negroes.”*

This special “Ivory Negro Gavel” given to Dr. Charles W. Kerr in 1932 for championing the Greenwood Blacks murdered, arsoned, and persecuted by the City of Tulsa was inherited by his grandson and lawful heir-of-line, Professor. Stephen Kerr.

- 17.** THAT during that very summer of 1921, over six thousand leading citizens of Tulsa joined the new Ku Klux Klan to justify to their own consciences the terrible racial crimes which they had committed in Greenwood by the Klan’s doctrines of racial hatred: As hooded Klansmen Tulsa’s oil magnates and civic leaders burned Jesus’ Cross in renewed racial hatred of the Greenwood Black People. Not a one of these prominent Tulsa oil barons, businessmen, and civic leaders ever repented of the terrible racial crimes which they had committed in Greenwood. They were concerned *only* with ‘bad publicity’ which might hurt Tulsa’s economic growth.
- 17.A.** The economic power and political leverage of Tulsa’s oil establishment has always managed to suppress much public knowledge of the 1921 Tulsa Race War both within the United States and in Europe:
- 17.B.** Sanitised state history texts for the Oklahoma public schools completely omit both the 1921 Tulsa Race War and the complete political take-over of the State by the Ku Klux Klan following the November 1923 impeachment of anti-Klan Governor Jack Walton orchestrated by *The Tulsa Tribune* publisher, Richard Lloyd Jones.

- 18.** THAT no compensation has ever been paid by the oil-wealthy City of Tulsa, the self-styled '*Oil Capitol of the World*', in over eighty-three years to the racially oppressed Greenwood Black people or to their heirs:
- 18.A.** Tulsa was a get-rich-quick oil 'boom town' inhabited by nouveaux riches ... whose vast oil wealth was originally often derived by swindling Oklahoma's Indians out of their allotted and surplus lands, mineral, oil, and gas rights ... often with a drink of whiskey.
- 18.B.** Some eighty-three years later, block, after block of Tulsa's Greenwood Black District are still filled (2004) with empty lots, 'ghost' driveways and sidewalks leading to weed-ingrown rubble ... where middle-class Black homes once stood.
- 18.C.** Tulsa is one of the wealthiest communities in the United States in terms of number of multi-millionaires per capita and counts numerous billionaires amongst its citizens. Tulsa is an American '*Tale of Two Cities*': Newly wealthy oil millionaires tearing down middle-class housing in white south Tulsa to build huge mansions for their 1.67 child families ... whilst areas of Tulsa's Greenwood Black District in north Tulsa are *so impoverished* and *so neglected* that, even, today in 2004, large areas of Greenwood and Black north Tulsa *still lack* the basic necessities of running water and city sewage service: *The Parable of Dives and Lazarus come to life in Oklahoma...*
- 19.** THAT the injured Greenwood Blacks are highly unlikely to receive substantive social or political justice for their injuries by the City of Tulsa from the State of Oklahoma given the continuing pervasive atmosphere of institutionalised political, cultural, and civil racialism:
- 19.A.** Oklahoma is a 'serial execution' state whose laws subject children as young as 13 to the Death Penalty ... with 'Bible Christian' cheer leaders at the State Penitentiary illustrating the *quality* of Oklahoma bible-belt 'Christianity': Oklahoma's second Governor Lee Cruce (1911–1915) came within one vote of being impeached by the State's Legislature for commuting all death sentences upon discovering that the Death Penalty, in application, singles out Blacks for execution.
- 19.B.** In the mid-1960's the *entire* Oklahoma State Supreme Court had to be impeached or were forced to resign for decades-long acceptance since Statehood of bribes to 'throw' judicial decisions ... illustrating the *quality* of 'Oklahoma justice' ... and the *likelihood* that the Greenwood Blacks will never receive effective legal relief from such intrinsically corrupt racist institutions.
- 20.** THAT, to remind the general public of the racial atrocities inflicted over eighty-three years ago during this 1921 Tulsa holocaust of the Greenwood Black population to make way for an industrial and warehouse district long-desired by Tulsa's civic leadership; Professor Stephen Kerr has looked to Scotland from which nation Dr Charles Kerr's family had come to the U.S.A. as a Member of tribe Kerr, and has there commissioned Lindsay Davidson, Composer and Master of the Musick for the Barons Courts of Prestoungrange & Dolphinstoun, to compose *the world's first bag pipe opera* to commemorate his grandfather's actions: Professor Stephen Kerr now petitions and moves these Baron Courts for authorization to re-enact the evidence given in Dr. Charles Kerr's account of the 1921 Tulsa Race War as a Bagpipe Opera, known as "TULSA", and to perform the same within the jurisdiction of the Barons Courts in June of 2005 and as often thereafter as may be possible.

# FINDINGS OF THE BARONS COURTS

On 13th July 2004 in The Trinity Session of our Barons Courts of Prestoungrange and Dolphinstoun we *pronounce* the following interlocutor:

## Finds in fact:

- 1) That it appears to these Courts that a miscarriage of justice was inflicted upon the Black Population of Greenwood during the Tulsa Race War of Tuesday, 31st May and Wednesday, 1st June 1921
- 2) That it appears that the actions of the Greenwood Black World War One Veterans were lawful under Oklahoma Law, see Title 21 Oklahoma Statutes §643(3), as they sought to offer a lawful resistance sufficient to protect the Courthouse from an unlawfully assembled lynch mob and to prevent the lynching-murder of an untied Black youth, Dick Rowland, falsely accused of 'attempted assault' by *The Tulsa Tribune's* Publisher Richard Lloyd Jones and were subsequently wrongfully characterised as a "Negro Insurrection" by Tulsa's City Government – which had received prior actual notice of the lawful purposes of these Black Veterans from repeated telephone calls by both the Greenwood Veterans and Greenwood's Pastorate during the afternoon, evening, and night of Tuesday, 31st May 1921
- 3) That Dr. Charles W. Kerr, Pastor of Tulsa's First Presbyterian Church since February 1900, later elected in 1932 the 144th Moderator of the national Presbyterian Church in the U. S. (the American *daughter church* of the Church of Scotland), put his life on the line by confronting and dispersing a howling lynch mob at the Tulsa County Courthouse on the night of Tuesday, 31st May 1921, incited by *The Tulsa Tribune* publisher Richard Lloyd Jones' editorial "**To Lynch A Nigger Tonight**".
- 4) That it appears to us that on the basis of the City's policy of suppressing a non-existent 'Negro Insurrection' that over three hundred Greenwood Black residents were murdered, twelve hundred Black homes were burnt to the ground, twenty-three Black Christian churches were arsoned, and the entire Black business district of Greenwood – known as 'the Black Wall Street' – burnt to the ground by specially deputised armed forces of the City Government constituting a 'City Posse' or were agents of the City Government under State Law.
- 5) That it further appears that there was an ulterior objective in the massive arson of some thirty-five city blocks of the entire Greenwood Black District which was to 'clear out' the Black residents, their homes, churches, and businesses, to make way for the construction of an industrial supply, warehouse, and rail switch yard district long desired by Tulsa's civic leadership.
- 6) That it appears that immediately following the events of Tuesday, 31st May to Wednesday, 1st June 1921, the Tulsa City Government entered into a 'common plan' with divers Tulsa oilmen, businessmen, bankers, and real estate agents to 'persuade' the devastated Greenwood property owners to sell the ruins of their burnt-out properties to a consortium of these businessmen at 'fire sale' prices: (A) The 'Fire Ordinance' immediately enacted by the City Government making it prohibitively expensive for the Black residents of Greenwood to rebuild their homes, businesses and churches; (B) The refusal of all outside donations by Tulsa's white civic leadership for the rebuilding of the Greenwood Black district; (C) The 'red-lining' of Greenwood by Tulsa banks denying re-building loans to employed Greenwood Blacks; and (D) Richard Lloyd Jones' editorial in the 4th June 1921 issue of *The Tulsa Tribune* declaring "Such a district as the old 'Niggertown' must never be allowed in Tulsa again."
- 7) That during the ensuing summer of 1921 it appears that thousands of the leading and most prominent citizens of Tulsa immediately joined the Ku Klux Klan to justify and endorse the racial atrocities which they had committed in Greenwood using the Klan's doctrines of racial hatred:

As hooded Klansmen Tulsa's citizens nightly burned Jesus' Cross in renewed racial hatred of the Greenwood Blacks on the hills surrounding Tulsa. This led to the complete political take-over of the entire State of Oklahoma by the Ku Klux Klan following the November 1921 impeachment of anti-Klan Governor Jack Walton orchestrated by *The Tulsa Tribune* publisher Richard Lloyd Jones, a leading Klansman.

- 8) That in the eighty-three years following the 1921 Tulsa Race War that the oil-wealthy City of Tulsa, one of the wealthiest cities in the United States, has refused to pay the full compensation for the seemingly wrongful deaths of the Greenwood Blacks and for the property damage as was originally privately demanded by Dr. Charles W. Kerr from Tulsa's collective civic leadership in the fall of 1921.

## **Finds in Law:**

- 1) That in accordance with Title 21 Oklahoma Statutes §643(3), it appears that the Greenwood Black Veterans were *legally privileged* to go armed to the Tulsa County Courthouse on the night of Tuesday, 31st May 1921, to offer a lawful resistance sufficient to protect the Courthouse from the lynch mob unlawfully assembled for the illegal purpose of lynching the innocent Black youth, Dick Rowland, falsely accused of 'attempted assault' by *The Tulsa Tribune*, whose publisher Richard Lloyd Jones had incited the prospective lynching of this youth by his editorial "**To Lynch A Nigger Tonight**" as well as to prevent the murder of Dick Rowland by this lynch mob particularly given the complete abdication of public authority by the Tulsa Police to the lynch mob.
- 2) That due to the particularities of the American constitutional structure, it appears to be the case that American Courts must accord constitutional *judicial deference* to the City of Tulsa's *assertion* of a 'Negro Insurrection' in its capacity as a discretionary 'ministerial determination' made by an executive branch of government acting within the scope of its discretion: No American court may substitute its own evaluation of this situation for that made by the City Officials at the site on that night.
- 3) That under the American constitutional structure, it appears that only a Congressional Declaration enacted by the United States Congress in Washington refuting the City of Tulsa's assertion for violation of the Federally-protected constitutional rights of the Greenwood Blacks under the Fourteenth Amendment, the American constitutional Bill of Rights, and the Federal Reconstruction Legislation is capable of creating effective legal relief for the racially persecuted Greenwood Black population injured by the City of Tulsa.
- 4) That under the American constitutional structure, it appears that the *judicial deference* which American Courts are required to give to the City of Tulsa's assertion of a 'Negro Insurrection' operates to prevent the injuries inflicted upon the Greenwood Blacks by the City of Tulsa as City policy to suppress a non-existent 'Negro Insurrection' from ever becoming *res judicata* as a completed legal act due to the *continuing denial of justice* to the Greenwood Blacks perpetually instituted by the constitutional status of the *judicial deference* which American Courts must give.
- 5) That due to the constitutional status of the *judicial deference* which American Courts must give to the City of Tulsa's *assertion* of a 'Negro Insurrection', it appears that this *assertion* perpetually instituted the beginning of a *continuing legal situation*, which renews itself – *continually, perpetually, and repeatedly* – each day that such *judicial deference* by the Courts must continue to be given.
- 6) That due to the constitutionally-required *judicial deference* which American Courts must give to the City of Tulsa's *assertion* of a 'Negro Insurrection', it appears that such judicial deference creates a *continuing legal situation* which, in turn, tolls or suspends the running of any 'statute of limitations' suffered by the Greenwood Blacks as a result of the suppression of a *non-existent* 'Negro Insurrection' by the City of Tulsa.

- 7) That it appears that the City of Tulsa's *assertion* of a 'Negro Insurrection' conceals an actionable case for the recovery of damages by the injured Greenwood Blacks under §1 of the Federal 1871 *Ku Klux Act* for racist injuries inflicted upon Blacks by a local racist American city and county units of government, and that *future* enactment of the sought after Congressional Declaration will 'discover' this case.
  
- 8) That it appears that this *continuing legal situation* permanently denying effective legal relief to the racially oppressed Greenwood Blacks injured by the City of Tulsa during the 1921 Tulsa Race War, which was perpetually instituted by the City's *assertion* of a 'Negro insurrection' to which American Courts are constitutionally required to give *judicial deference*, will continue unabated unless the American Congress enacts a Congressional Declaration refuting the assertion lie for violation of Federally-guaranteed constitutional and legal rights of the Greenwood Blacks by the City of Tulsa:
  - Declaring the City's *assertion* characterizing the lawful actions of the Greenwood Veterans under Oklahoma Law (21 O.S. §643(3)) as a 'Negro Insurrection' to be a **deliberate legal error**; and
  - Declaring the City's violent suppression of this *non-existent* 'Negro Insurrection' to be a **deliberate legal wrong**
  
- 9) That under American doctrines of constitutional law, it appears that the alleged miscarriage of justice inflicted upon the Greenwood Blacks by the City of Tulsa can be rectified only if large numbers of aroused Americans petition their Congressmen in Washington to demand a Congressional Investigation of the 1921 Tulsa Race War and the enactment of the required Congressional Declaration.

## **HELD:**

The Barons Courts of Prestoungrange and Dolphinstoun hold and hereby issue this our **DECLARATOR: Weightily and sufficient grounds both in fact and in law seem to us to exist as set forth above, to make it wise and beneficial for the cause of the tribe Kerr but most especially for the cause of international justice and the upholding of human rights, for us TO AUTHORISE the re-enactment within the jurisdiction of these our Barons Courts of the courageous Christian witness of The Very Reverend Dr. Charles W. Kerr to the alleged miscarriages of justice visited upon the Greenwood Blacks in 1921 by the City of Tulsa in the form of *the world's first bag pipe opera, "TULSA"*.**

Performance of this Opera in Prestonpans and elsewhere will in the Courts' opinion serve the important public purpose of giving saliency to and further informing the general public across the world of the alleged miscarriages of justice inflicted upon the Greenwood Blacks in the 1921 Tulsa Race War and thereby arousing public opinion in the United States of America to consider the merits of raising a Petition to the American Congress for the fullest Investigation of this Race War and if found proper the enactment by that Congress of the necessary Declaration to permit of a final and just conclusion.