“We’ll All Start Even”

White Egalitarianism and the Oregon Donation Land Claim Act

KENNETH R. COLEMAN

In Oregon, as in other parts of the world, theories of White superiority did not guarantee that Whites would reign at the top of a racially satisfied world order. That objective could only be achieved when those theories were married to a machinery of implementation. In America during the nineteenth century, the key to that eventuality was a social-political system that tied economic and political power to land ownership. Both the Donation Land Claim Act of 1850 and the 1857 Oregon Constitution provision barring Blacks from owning real estate guaranteed that Whites would enjoy a government-granted advantage over non-Whites in the pursuit of wealth, power, and privilege in the pioneer generation and each generation that followed.

In 1843, many of the Anglo-American farm families who immigrated to the Oregon Country were animated by hopes of generous federal land grants. During the 1830s, federal legislators had begun proposing bills that donated homesteads to (presumably armed) settlers as an inducement to transform and protect the western frontier for the United States. In Oregon, which was not a part of the United States at the time, colonists claimed large tracts of land without official surveys and relied on a newly created provisional government to legitimize those claims. When Oregon became an organized U.S. territory in 1848, Oregon politicians successfully lobbied the federal government to pass the 1850 Donation Land Claim Act (DLCA), the most generous land distribution bill in U.S. history, legally confirming the settlers’ original claims and granting future settlers an unprecedented 320 acres for White males or “half-breed” Indian males and 640 acres for married couples. Such local and national legislation would have a major impact on economic development in Oregon and influence future national land-distribution legislation.

Racist structures became ingrained in the resettlement of Oregon, culminating in the U.S. Congress’s passing of the DCLA. Oregon’s settler colonists repeatedly invoked a Jacksonian vision of egalitarianism rooted in White supremacy to justify their actions, including entering a region where Euro-Americans were the minority and — without U.S. sanction — creating a government that reserved citizenship for White males. They used that government not only to validate and protect their own land claims, but also to ban the immigration of anyone of African ancestry. The DLCA was the only federal land-distribution act in U.S. history that specifically limited land grants by race, essentially creating an affirmative action program for White people. Perhaps most decisively, the issuance of free land resulted in a massive economic head start for White cultivators and initiated a long-standing pattern in which access to real estate became an instrument of White supremacy and social control. This result would have immeasurable consequences for social inequality in Oregon, as emerging markets in privatized land were major engines of economic prosperity in the nineteenth-century United States and beyond.

The lobbying efforts of Oregon’s early political leaders were so successful that Congress allowed the region’s Anglo-American settlers to seize Indigenous homelands without Tribes’ having ceded their lands through treaties with the federal government — a violation of U.S. law. The 187 North West Ordinance was an expansionist document that provided a plan for incorporating the Old Northwest into the United States, but it stipulated that
were unworthy to occupy their own lands. The U.S. Constitution recognized Indian tribes as the legal equivalent of sovereign nations with whom negotiations could occur only on a federal level, a concept affirmed in the 1848 Act to Establish the Territorial Government of Oregon. By the early 1840s, the federal government had established a three-step process to extinguish “Indian title.” The U.S. Senate would first appoint a treaty commission to negotiate with individual tribes. Once Congress had ratified those negotiated treaties, a formal survey would measure and transform land into delineated boxes on a map. Those boxes would form a public domain that the federal government could sell or donate. Oregon’s early Anglo-American settlers and their political representatives, however, successfully pressured Congress to flip this formula on its head, disregarding tribal rights to lands now occupied by squatters. Moreover, the DCLA, an exclusionary document steeped in White supremacy, treated Oregon’s Indigenous inhabitants as an undifferentiated race or ethnic group rather than as members of distinct, sovereign communities.

White supremacy is the racist notion that people of European ancestry are biologically superior to people of non-European ancestry and therefore are entitled to rule over those non-Europeans. It is based on the concept of race, which holds that nature separated human beings into supposedly legitimate groupings. Race is an ideology, which Barbara J. Fields defines as “the descriptive vocabulary of day-to-day existence, through which people make rough sense of the social reality that they live and create from day to day.”

Race has no basis in biology. It is a social formation that arose from specific historical circumstances. In the American colonies, White supremacy served to legitimate the existence of an economic system — chattel slavery — that contradicted the emerging enlightenment ideologies of natural rights and liberty, including the insistence that all men were created equal. In 1894, historian Lyon Gardiner Tyler attributed colonial America’s “democratic spirit” to the fact that “negro slavery made race, and not class, the distinction in social life.” Racism also justified the removal of Indigenous communities and the seizure of their land. Race, like any ideology, requires reinforcement and reproduction through daily rituals. By the Age of Jackson, the repetition of rituals of dominance and submission associated with slavery and Indian removal made the connection between skin color and caste assume the appearance of objective truth for many Americans, resulting in Whites’ commonplace perceptions that those of African ancestry were servile by nature and that Indigenous communities were unworthy to occupy their own lands.

Racism was a major factor in how the Oregon Country initially came to be considered part of the United States. Prior to the Oregon Treaty of 1846, in which Great Britain ceded claim to its Pacific Northwest possessions below the forty-ninth parallel, the United States and Great Britain coexisted in an awkward state of joint occupation. In 1792, both nations claimed sovereignty over Oregon according to the Doctrine of Discovery, a legal formation in which European nations — and later the United States — claimed possession of Indigenous land based on the dubious notion of “discovery.” American Robert Gray and British George Vancouver had each claimed discovery of the Columbia River region in 1792, when they arrived at the mouth of the river on separate sailing expeditions. The absurdity of both claims is illustrated by the fact that the lower Columbia region was one of the most densely populated places in North America at the time. Colonizers often made a distinction, however, between occupied Indian land (such as village sites) and unoccupied land. Such “unoccupied” land often included essential horticultural, hunting, and gathering grounds. This erasure enabled squatters — settlers occupying lands without legal title — to envision themselves as the rightful owners of land already held and used in common, privatizing that land before it was officially part of the U.S. public domain.

For the participants of the first major Oregon Trail migration of 1843, no proposed legislation was more influential than the series of bills that Missouri Democratic Senator Lewis F. Linn championed a series of bills in Congress that offered free Oregon land to lure potential settlers. Linn’s 1843 bill provided inspiration for the first major wagon train migration of that same year.
iteration narrowly passed the Senate in February 1843, only to be defeated in the House. Several lawmakers cited fears that the bill would jeopardize relations with Great Britain by violating the joint occupation agreement in the Anglo-American Convention of 1818.18

Linn’s failed bills had specific White supremacist implications, most of which were later reproduced in the DLCA. First, Linn limited claimants to White males. He argued for those proposed claimants in an 1843 speech, in which he cited the common nineteenth-century pseudo-scientific notion that descendants of the Anglo-Saxon tribes of Europe were racially predisposed to spread democracy and freedom: “They but obeyed the instinct of our peculiar race — that invincible longing for liberty and space which impels those of Anglo-Saxon descent.”19 Like the DLCA, the earlier bills contained no provisions for extinguishing Indian title to Oregon lands prior to Anglo-American resettlement and included only the federal appointment of Indian agents to “superintend the interests of the United States.” Linn’s bills also called for military installations presumably to protect settlers from the region’s independent Indigenous communities.20 Linn argued that Oregon’s Natives acted in league with the Hudson’s Bay Company (HBC), the British joint-stock company that had been a de facto governing body in the region since 1821.21

The 1839 version of the bill openly called for the raising of a settler infantry “for the purpose of overawing and keeping in check various Indian tribes, or any foreign forces, who may be in said Territory.”22

In the spring of 1843, as the House dithered on Linn’s bill, hundreds of overland emigrants assembled in Independence, Missouri, to attempt the two-thousand-mile journey to the Oregon Country. The wagon train comprised predominately Anglo-Protestant farm families from the Old Northwest and the Border States.23 Although word soon reached Independence that Linn’s efforts had failed, most decided to risk the trip anyway. One such emigrant was the initial leader of the 1843 wagon train, Missourian Peter H. Burnett. Burnett believed the bill would ultimately pass and estimated that his extended family would net 1,600 acres of free land.24 Another prominent emigrant, Jesse Applegate, advised his brother to beat the rush: “If you are going to Oregon [sic] by all means go this spring for if Linn’s Bill pass next year every man and every man’s neighbors and friends will move in that direction.”25

In the spring of 1843, as the overlanders traveled west, a relatively small group of male residents of Oregon — comprising mostly American colonists, Methodist missionaries and laymen, and a handful of retired French-Canadian fur industry workers — scrambled to create an American-style government in anticipation of the population increase.26 On July 5, the provisional government adopted its Organic Laws, based on laws of Iowa Territory, as Linn recommended, and preserving most of the contours of Linn’s 1843 bill, including 640-acre land grants to settlers. The centerpiece of the Organic Laws was the land law, designed to create a system to record and protect land claims without official surveys. Instead, claimants were merely asked to “designate the extent of his claim by natural boundaries, or by marks at the corners and upon the lines of said claim.”27 In 1845, the provisional government established a land office that had no capacity to formally survey land.28 As John Suval has argued, the provisional government essentially operated as a claim club, a private-order association of squatters estab-
lished as a means to seize land and then pressure the federal government to honor those claims. According to Ilia Murtazashvili, “claim clubs, rather than spontaneously arising norms or an all-powerful state, were the most important initial source of private property institutions as individuals fanned out across the nation’s vast lands during the nineteenth century.”

The framers of the provisional government and its later members drew strict racial boundaries to create and preserve a White, male social order. They limited suffrage to every free, male descendent of a White man. This feature granted citizenship to the sons of Euro-American fur industry workers who had married Indigenous women, but it also disenfranchised the majority of people residing in Oregon at the time. In 1844, the provisional government’s legislative committee passed a law declaring that “when any free negro or mulatto shall have come to Oregon, he or she . . . shall remove from and leave the country.” Those Black women or men who refused to leave within the allotted period would be subject to flogging. Burnett, who wrote the law, framed it as an act to prevent slavery. This was an obvious misnomer, however, because the provisional government had already banned slavery from Oregon in 1843.

There was nothing particularly unique about Oregon’s Black exclusion law. Similar laws restricting free Black people from residing in states, territories, or localities could be found in virtually every region of the United States, including most of the places from which many overlanders emigrated. Even the call for flogging, which some contemporary Oregon residents found distasteful, had historical precedent. At least one organizing company of the Oregon Trail migration banned Black and “Mulatto” emigrants from traveling with them. Oregon’s anti-Black law was unusual, however, considering that very few Black people lived in the region and there was little sign of imminent Black immigration. Burnett conflated race with class when he argued that banning Black immigration would preserve agrarian egalitarianism in Oregon: “The object is to keep clear of this most troublesome class of population. . . . we wish to avoid most of these great evils that have so much afflicted the United States and other countries.” Appleget offered a more succinct explanation for the law: “Many of those people hated slavery, but a much larger number of them hated free negroes worse even than slaves.” Many settlers likely were also familiar with the practice of slaveholders’ freeing their slaves on entering a territory where slavery was illegal, only to continue working those people under euphemistic forms of servitude such as indenture or apprenticeship.

During the mid-nineteenth century, Black exclusion and anti-slavery were often complementary. The redistribution of public land (almost always taken from sovereign Indian groups by the federal government) to cultivators had become one of the cornerstones of the anti-slavery, free labor ideology (the notion that the free labor of farmers, entrepreneurs, and artisans was economically and philosophically preferable to slave labor). Politically, the majority of Oregon settlers were anti-slavery supporters of the Democratic Party — they embraced White egalitarianism and were opposed to a hierarchical social order ruled by political, economic, or intellectual elites. They looked to Oregon as a place where cultivators could escape rising class distinctions. Thurston wrote of Oregon: “Aristocracy finds there a poor dwelling-place, and a republican equality is the presiding genius of the land.” They opposed the extension of slavery beyond the South on self-interested economic, rather than moral, grounds — settlers did not want to compete with landowners who utilized enslaved labor.

Robert Wilson Morrison, who arrived in Oregon with the 1844 migration, invoked the antislavery, free labor ideology when he declared, “I’m going to Oregon, where there’ll be no slaves, and we’ll all start even.” Northern advocates of the “free labor” ideology were often White supremacists who believed the presence of any Black people — enslaved or free — would introduce a servile underclass, undercutting White laborers.

Oregon politicians knew the racially inscribed claim club they had created would fail if it did not enter into a formal relationship with the U.S. government. The first step occurred on June 15, 1846, when the United States signed the Oregon Treaty with Great Britain and took full possession of the region south of the forty-ninth parallel. Although the provisional government continued to operate, Oregon was now an unorganized territory with no legal protection of land claims. In the fall of 1847, provisional governor George Abernethy sent his government’s supreme judge, J. Quinn Thornton, to Washington, D.C., to urge Congress to recognize Oregon land titles as compensation for settlers’ sacrifice in claiming Oregon for the United States. Thornton’s petition failed to make an impression in the nation’s capital, where lawmakers were distracted by the Mexican-American War and by fierce debates over the
extension of slavery to the western territories. On August 14, 1848, Oregon finally became an organized U.S. territory, consisting of the future states of Oregon, Washington, and Idaho as well the sections of Montana and Wyoming west of the Rocky Mountains. But to the chagrin of Oregon political leaders, Congress dissolved the provisional government without confirming the legality of settlers’ claims. The territorial act reproduced the provisional government’s limitation of citizenship to adult White males, but it also required the federal government to enter into treaties with local Tribes before settlers could claim any Indian land.

The territorial act also allowed Oregon voters to send one non-voting delegate to represent them in Congress. The man they chose, Democrat Samuel R. Thurston, did more than anyone to bend federal policy to favor Anglo-Americans at the expense of non-White residents — then or in the future. Oregon’s Anglo-American settlers, whom the territorial act now deemed squatters, had more ambitious plans for Thurston — they hoped he would secure legal backing for their land claims. Thurston’s project was informed by his own White supremacist views. Like most Oregonians, Thurston’s anti-slavery stance was consistent with anti-Black Jacksonian egalitarianism: “I am ashamed that there is one man in Oregon who would if he could curse Oregon by the introduction of a servile race whose presence would at once blast the very heart of our prosperity — free white labor.” Thurston fervently endorsed the 1849 Black exclusion law passed by Oregon’s territorial legislature, framing it as a “question of life and death to us in Oregon.” He also assured his constituents that he would convince Congress to extinguish Indian title to Oregon lands and entirely remove Indigenous communities from the region: “we shall get rid of the Indians in the course of next summer . . . settlement will be thrown open to the immigrant, and thus the first and prerequisite step will have been taken preparatory to the final disposition of the soil.” In late 1849, Thurston made the long journey to Washington, D.C., to fulfill his promises.

Before he could secure settlers’ property rights, Thurston first needed to convince Congress to extinguish Indian title to all Oregon lands west of the Cascades and to remove any Indigenous communities residing therein. In 1849, the territorial legislature had sent a memorial to Congress pleading for Indian removal on both racial and humanitarian grounds: “The moral and civil interests of the white race, equally with the claims of humanity, require the removal of [Indians] to some place where . . . their condition may be improved.” Thurston’s main obstacle was the 1848 Act to Establish the Territorial Government of Oregon itself, which stated “that nothing in this act contained shall be construed to impair the rights of person or property now pertaining to the Indians in said Territory, so long as such rights shall remain unextinguished by treaty between the United States and such Indians.” In January 1850, Thurston convinced lawmakers to introduce his bill to extinguish Indian titles in Oregon and establish federal Indian agents and agencies. On June 5, 1850, President Zachary Taylor signed Thurston’s “Indian bill” into law, enabling the nomination of Oregon’s first superintendent of Indian Affairs, Anson Dart. Dart was charged with negotiating with Indigenous groups to void their claims to their lands.

Settlers now could lay claims without any Oregon Tribes actually having ceded their land through a negotiated settlement. This abandonment of federal policy would have dire consequences for the Indigenous peoples of the Pacific Northwest. The value of tribal lands expropriated by settlers can never be adequately assessed. Both the U.S. Constitution and the Northwest Ordinance of 1787 — on which both the 1843 Organic Laws and the 1848 Oregon territorial act were based — established tribal sovereignty as U.S. law. In practice, Thurston’s land bill turned that formation on its head. Settlers received massive grants of land held by legally recognized sovereign nations — a clear violation of federal law. Even if settlers had wanted to purchase land from local Indigenous individuals, the U.S. Supreme Court, in Johnson v. M’Intosh (1823), had banned such practices. Thurston’s land bill ignored legal precedent by completely dismissing any concept of tribal sovereignty. Its only mention of the word Indians is in reference to the legality of “half-breed” Indians’ claiming land.

While promoting his Indian bill, Thurston put the finishing touches on his crowning achievement — the DLCA. Referred to the House’s Public Land committee on April 22, 1850, Thurston’s bill was familiar to anyone acquainted with the land law of Oregon’s provisional government. The bill called for a
A surveyor general and Oregon’s first official land survey.55 Claimants to cultivate the land for a minimum of four years before the land resided in the territory prior to December 1, 1850, and for an additional 320-acres were exempt. An 1853 amendment to the law honored the claims of widows based on the grants to claimants’ wives, although individual or single women who had wives, they would receive an additional 160 acres. To discourage land speculators, the bill required claimants to cultivate the land for a minimum of four years before the land office would confirm their claims. The bill also required the appointment of a surveyor general and Oregon’s first official land survey.55

Thurston’s wife Elizabeth later hailed the DLCA as an advance in gender relations: “This surely was a woman’s Rights Bill.”56 Her assessment was based on the grants to claimants’ wives, although individual or single women were exempt. An 1853 amendment to the law honored the claims of widows whose husbands had died during or after the arduous journey to Oregon.57 Richard H. Chused, a legal scholar, has argued that the DLCA, as federal legislation, is unusual in this regard; he contends this feature was due, in part, “to the perceived need to attract women to a distant territory.”58 Chused, however, failed to recognize the racial implications of this feature. There was no shortage of women in Oregon relative to anywhere else in the West—but there was a perceived shortage of White women. And because only women married to White men (or Native men with White fathers) could qualify, the DLCA would encourage the ethnic homogenization of the region and further marginalize non-White women. The increasing number of White women in Oregon also allowed promoters of racial exclusion to exploit fears that non-Whites in the region posed a sexual threat to the wives and daughters of Anglo-American settlers.59 Thurston’s bill did present a loophole in which non-White wives of White husbands could theoretically possess their own land in the event of their husband’s deaths, and in the 1854 case Vandolf v. Otis, the territorial Supreme Court recognized an Indigenous woman’s property rights due to her marriage to a White man.60

On May 28, 1850, members of Congress began debating the DLCA. Almost immediately, the topic of race arose. Thurston insisted that he inserted the exclusionary aspects of the bill to prevent HBC employees, whom he insisted were aligned with British interests, to claim land. Thurston claimed he would support giving land to any White foreign cultivator, “provided he likes our Government well enough to become a citizen.” But he objected to the racial implication of any amendment that would strip away racial and citizenship requirements: “It would give land to every servant of the Hudson’s Bay Company, including some hundreds of Canakers, or Sandwich Islanders, who are a race of men as black as your negroes of the South, and a race, too, that we do not desire to settle in Oregon.”61 Thurston was referring to the Pacific Islanders who had lived and worked around Fort Vancouver since the 1820s.62 By likening Pacific Islanders to Black people based on skin tone, Thurston revealed typical nineteenth-century racialism in which superficial phenotypic attributes were supposed to carry deep significance. Thurston claimed he did not necessarily have Black people in mind, because the territory had already banned Black immigration in 1849. He added, “I am obedient to the wish of my constituents, and hence am opposed to donations to negroes of any grade.”63

Thurston, perhaps sensing that prejudice alone would not convince legislators to exclude non-White land claimants, raised the stakes by exploiting fears of race mixing. He insisted that the Canakers and negroes, if allowed to come there, will commingle with our Indians, a mixed race will ensue, and the result will be wars and bloodshed in Oregon.64 Thurston echoed the language of the 1849 territorial Black exclusion law: “Whereas situated as the people of Oregon are, in the midst of an Indian population, it would be highly dangerous to allow free negroes and mulattoes to reside in the Territory, or to intermix with the Indians, instilling into their minds feelings of hostility against the white race.”65 While local Natives did not need Black people to inform them that the growing presence of Anglo-American settlers was problematic, the recent Second Seminole War may have inspired such sentiments. That costly war, in which Seminole fighters joined forces with runaway slaves and their mixed-race descendants (sometimes known as the “Canakers”)
as Black Seminoles) to resist forced removal by the U.S. Army, lasted over six years. The only recorded incident of Black-Native collaboration in Oregon involved James D. Saules, a Black mariner who allegedly incited a group of Clackamas men to assault a White settler.

Thurston failed to convince at least two Whig congressmen, New York’s William A. Sackett and Ohio’s Joshua R. Giddings. During House debates, Sackett decried any legislation that “discriminates in regard to color” and told Thurston that Oregon’s territorial statutes should have no bearing on a national land distribution bill. Sackett countered the prevailing notion that skin color equated with citizenship, strongly implying that he considered non-White Americans as “a portion of the citizens of this country.” Giddings had similar reservations over Thurston’s bill, arguing that the federal government owed Black Americans redress because it “brought them by violence and wrong from their native country.” He then castigated Thurston for crafting a bill that would grant free land to native-born White members of Tammany Hall-affiliated street gangs “while Frederick Douglas [sic], a man of high moral worth, of great intellectual power, of unrivalled eloquence . . . is to be excluded, rudely driven from that region.” Ohio Democrat David K. Carter rose to Thurston’s defense, theorizing that southern slave-owners would see Oregon as a safety valve to unload “their worthless, worn out, and decrepit slaves.” Carter then employed the familiar tactic of connecting democracy with Anglo-Saxon heritage: “If this continent is destined to be the home of free democracy and the legitimate inheritance of the Anglo-Saxon blood — the only relief is obtained, by a total separation of domicile between the two races.”

Thurston ultimately carried the day. The House held two separate votes regarding the question of who would qualify for land grants, voting 69 to 51 to insert the word “white” into the bill and 77 to 38 to insert the words “American half-breeds included.” The DLCA eventually passed both the House and Senate with minor adjustments, and President Millard Fillmore signed the bill on September 27, 1850. Despite the reluctance of some southern lawmakers to encourage the growth of a free territory and other lawmakers’ questions about why Congress should single out Oregon for special treatment, Thurston and the Oregon political interests he represented ultimately received everything they wanted. Congress confirmed their generous claims without a formal survey and established racial exclusion in Oregon as federal law.

The bill’s success was probably due to the fact that Whigs and Democrats had accepted that granting public lands to settlers was a popular issue with voters of both parties. This notion, however, grew much more controversial with the introduction of the Compromise of 1850 and with the 1854 Kansas-Nebraska Act, the latter of which ignited a sectional controversy over the extension of slavery to the West and put a temporary pause on Manifest Destiny.

The DLCA influenced later land-distribution legislation, most notably the 1862 Homestead Act. Like the Homestead Act, the DLCA stipulated that the federal government would make land grants directly to settlers, rather than through the territorial government. To prevent speculation, the Homestead Act, like the DLCA, required that settlers take an oath to live on and cultivate the land and, then, prove to two witnesses that they had met requirements for residency and cultivation. Notably, however, the Homestead Act promised settlers only 160 acres (320 for married couples) and dispensed with any racial requirements, although some lawmakers had tried to add racial exclusion to earlier iterations of the bill. Unlike the DCLA, the act also enabled single or widowed women to apply for homesteads. The Homestead Act excluded non-citizens, which included non-White immigrants and most Indigenous peoples. This stipulation would have also prevented Black Americans from claiming land, as the 1857 Dred Scott decision declared them non-citizens. In 1862, however, Attorney General Edward Bates partially overturned the Dred Scott decision by declaring free Blacks as citizens. At the end of the Civil War, the vast majority of Black Americans lived in the South, and few had the means or inclination to claim western homesteads. Instead, freed people in the South pushed for the redistribution of land confiscated from slaveholders to formerly enslaved people. Despite some
The DLCA had a profound impact on Oregon demographics and economic development. Anglo-American settlers and a handful of Natives with White fathers received 7,317 land certificates, privatizing over 2.5 million acres of Oregon land. An 1854 amendment extended the act to the newly created Washington Territory, where settlers claimed an additional 300,000 acres. When the bill expired in 1855, Oregon’s total recorded population had mushroomed from 13,000 to 52,000. Yet, the bill stunted economic growth in Oregon, as the issuance of enormous land grants led to a diffused and isolated agrarian population with little access to larger markets. The act also discouraged urban migrants from relocating to Oregon, since the DLCA excluded towns and cities from its coverage. In an autobiographical novel, Abigail Scott Duniway—who whose family immigrated to Oregon in 1852—had a character lament this effect: “If Uncle Sam had given us no more than [160 acres], we would all be better off in five years in the way of schools, society, and improvement.”

In addition, historians Paul Bourke and Donald DeBats argue that the DLCA exacerbated economic inequality in Oregon, since earlier settlers could not only claim the most productive farm land, but they were also entitled to grants twice the size of later claimants. Thurston’s proposed policy to remove the Indigenous tribes of western Oregon to the area east of the Cascades mountain range—an obvious example of ethnic cleansing—was not initiated until 1851, when the Willamette Valley Treaty Commissioners drafted a total of six treaties with bands of the Molala and Kalapuya. To the consternation of Congress, the negotiators failed to convince any Tribes to leave their homelands. Later that same year, Anson Dart, the newly appointed Oregon Superintendent of Indian Affairs, negotiated thirteen additional treaties with western Oregon Tribes, who agreed to cede over six million acres but again resisted removal to eastern Oregon. The Senate refused to ratify any of the nineteen treaties, most likely because the Tribes would remain in western Oregon on reservations that sometimes overlapped with preexisting donation land claims. By the time news reached Oregon that the Senate had failed to ratify the treaties, many tribal members were already in the process of being forced off their lands by ongoing settler encroachment on village locations, hunting and gathering grounds, horticultural sites, and fisheries.

In 1853, Congress authorized the creation of Washington Territory from northern Oregon (including modern-day Idaho and parts of western Montana) and, amid increasing violence as settlers and miners trespassed on tribal lands, appointed Washington Governor Isaac Stevens and Joel Palmer, Dart’s successor as Oregon Superintendent of Indian Affairs, to negotiate treaties with the Indigenous communities living within Washington and Oregon. By 1859, the Senate had ratified most of the treaties Stevens and Palmer had drafted (both combined and individually) with Tribes in Washington and southern, western, and eastern Oregon. Historian Francis Paul Prucha has described much of this process as more imposition than negotiation, noting “there was little indication [in the treaties] that two sovereign equals were negotiating.” In exchange for ceding the vast majority of their ancestral lands to the federal government acting as proxy for White settlers, Pacific Northwest Tribes were promised military protection, hunting and fishing rights, annuity payments, and agricultural and industrial education.

There is evidence that the effects of the DLCA may have rendered racial exclusion laws superfluous in the minds of many Oregon politicians. In 1854, a clerical error resulted in the accidental repeal of the 1849 Black exclusion law. The legislature rushed to pass a replacement, with one house member invoking a Jacksonian interpretation of the Declaration of Independence as “a declaration of the equality of free citizenship for white men.” Yet, surprisingly, the legislature resoundingly voted down replacement bills in 1855 and 1856. One reason lawmakers cited was that Black exclusion was unnecessary because most Black migrants, without the lure of free land, would prefer the urban attractions of bustling California over agrarian, isolated Oregon. Oregon Democratic politician Delazon Smith, himself an outspoken racist, voted against the 1855 Black exclusion bill on these grounds. Other lawmakers argued that the Black exclusion bill would discourage commercial opportunities in an overwhelmingly agrarian territory, because it required captains of ships entering Oregon to post $500 bonds for each Black mariner on board.

Despite their efforts and flowery rhetoric, Oregon politicians and lawmakers did not create an agricultural paradise devoid of class distinctions. This project, if ever seriously considered, was probably dead on arrival when early settlers claimed the most marketable land in the region. The land grants they secured from the federal government, furthermore, were easily privatized, commodified, or stripped of marketable resources and abandoned. By 1900, most claims had been sold or mortgaged rather than bequeathed to descendants. With the forced removal of Indigenous communities in western and southern Oregon, the federal government made additional land available to settlers. Like elsewhere in the United States, however, many would-be yeomen instead became tenants or wage laborers on commercial farms.

By using real estate as a tool of racial exclusion, Oregon’s early political leaders initiated a pattern that continued well into the twentieth century. The 1859 Oregon State Constitution, in addition to confirming White male suffrage and reintroducing Black exclusion, banned Black and Chinese people from owning real estate. In 1868, Oregon’s state legislature rescinded its initial
This map, published in the second volume of the Eighteenth Annual Report of the Bureau of American Ethnology to the Secretary of the Smithsonian Institution, 1896–1897, documents Native land within present-day Oregon boundaries that was ceded to the U.S. government between 1853 and 1865. The numbered areas on the map correspond to a “Schedule of Indian Land Cessations” with information on the land location, treaties, and statutes associated with the land taking, and information on the Tribes who occupied the land.

**Native Land Ceded, Year**

- 312: Rogue River Indians (extends into California), 1853
- 313: Umpqua (Cow Creek Band), 1853
- 344: Umpqua and Calapooia, 1854
- 343: Chasta, Sco-ton, Grave Creek, 1854
- 352: Calapooia and Confederated Bands of Willamette Valley, 1855
- 366 & 444: Nez Perce, 1855, 1863
  (reservation 442 in Idaho)
- 362: Walla-Walla, Cayuse, and Umatilla, 1855
- 369: Confederated Tribes of Middle Oregon, 1855
- 397: Coast Tribes of Oregon, 1855 (treaties never ratified but land ceded)
- 401: Molalla, 1855
- 444: Shoshoni (Western bands), 1863
- 462: Klamath and Modok, Yahooskin band of Snake Indians, 1864
- 474: Snake (Wol-pah-pe), 1865
- 479: Coast Tribes of Oregon, 1865
  (originally set aside as reservation)

**Reservation Land, Year**

- 363: Walla-Walla, Cayuse, Umatilla, 1855
- 370: Confederated Tribes of Middle Oregon, 1855
- 407: Confederated Bands of Willamette Valley
- 463: Klamath and Modok, Yahooskin band of Snake Indians, 1864
- 578, 579, 479: Coast Tribes of Oregon, 1855
ratification of the Fourteenth Amendment to the U.S. Constitution, which established birthright citizenship and equal protection under the law regardless of race, and refused to ratify the Fifteenth Amendment, which established universal male suffrage.\(^6\) Even as the successful passage of these amendments superseded the most blatantly exclusionary legislation, banks and real estate companies later engaged in redlining, creating real estate covenants that segregated non-White homebuyers and renters to the least desirable neighborhoods.\(^7\) Such tactics have widened the racial wealth gap in Oregon, as segregation has meant disinvestment, ill-funded schools, and a lack of remunerative employment. Victims of such policies include Oregon’s Indigenous population, who were increasingly urbanized as a result of the 1954 Western Oregon Termination Act and the Indian Relocation Act of 1956. Recent efforts to invest in historically neglected Portland neighborhoods have favored profit-minded private interests over the communities themselves, resulting in gentrification while doing little to combat segregation. Any serious attempt to challenge White supremacy in Oregon must engage with the economic legacy of institutionalized racism limiting access to real estate and, as such, wealth and social power.

**NOTES**


11. My contention that race is an ideology—with specific historical roots—for purposes of social control is informed by the work of Barbara J. Fields and Theodore W. Allen. For a discussion of race as a social formation, see the work of Michael Omi and Howard Winant. Neil Irvin Painter and David Roediger are both interested in historicizing Whiteness, although Fields has accused Roediger and other proponents of Whiteness studies of treating Whiteness as an ahistorical concept. Karen E. Fields has accused Roediger and other proponents of Whiteness studies of treating Whiteness as an ahistorical concept. Karen E. Fields has accused Roediger and other proponents of Whiteness studies of treating Whiteness as an ahistorical concept.

12. Prior to the Oregon Treaty of 1846, the Oregon Country, or what is now the U.S. state of Oregon, was occupied by the British. The treaty officially transferred the Oregon Country to the United States, with the boundary between the two countries being the 49th parallel. This transfer was significant for both the United States and the United Kingdom, as it resolved a long-standing territorial dispute and paved the way for the eventual establishment of a transcontinental railroad.


For a discussion of how racist folk beliefs received scientific backing in the nineteenth century, see the work of Reginald Horsman. Lewis Fields Linn, Speech of Mr. Linn, of Missouri, in Reply to Mr. McDuffie, on the Oregon Bill: Delivered in the Senate of the United States, January 26, 1843. (Washington, D.C., 1843), 3; Reginald Horsman, Race and Manifest Destiny: The Origins of American Racial Anglo-Saxonism (Cambridge: Harvard University Press, 1981).

Linn, Speech of Mr. Linn, of Missouri, in Reply to Mr. McDuffie, on the Oregon Bill, 15. In the Senate of the United States, June 6, 1838. Submitted and Ordered to Be Printed, Mr. Linn Submitted the Following Report. (To Accompany Senate Bill No. 206), the Select Committee, to Which Was Referred a Bill to Authorize the President of the United States to Occupy the Oregon Territory. Submit to the Consideration of the Senate the Following Report (Washington, D.C.: Blair & Rives, 1838), 19.

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Revision,” OHQ vol. 120, no. 4 Coleman, “We’ll All Start at Even”

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59. Historian Margaret D. Jacobs has written about the crucial role of White women in settler colonial projects: “Further, through their bodies White women would literally reproduce the settler population necessary to establishing dominance over the invaded territory.” In her work on the settler colonization of British Columbia, historian Adele Perry described a settler colony as “a reproducing regime dependent on the presence of settler women who literally reproduce the colony. Immigration must therefore provide more than non-Aboriginal bodies. Ideally, it must provide the right kind of bodies, those suited to building a white settler colony.” Margaret D. Jacobs, *White Mother to a Dark Race: Settler Colonialism, Maternalism, and the Removal of Indigenous Children in the American West and Australia*, 1880–1940 (Lincoln: University of Nebraska Press, 2019), 129; Adele Perry, “'Hardy Backwoodsmen, Wholesome Women, and Steady Families: Immigration and the Construction of a White Society in Colonial British Columbia, 1812–1869,'” Histoire Sociale/Social History, 33:66 (November 2000): 345–66.


62. Ibid.


64. Ibid.

65. “Statutes of a General Nature Passed by the Legislative Assembly of the Territory of Oregon: At the Second Session, Begun and Held at Oregon City, December 2, 1850, 181.”


70. Ibid., for quote. William Sackett also seemed to counter the established U.S. Naturalization Law of 1802, which restricted citizenship to “free white” males. 71. Ibid., 1090.

72. Ibid.

73. Ibid., 1092.

74. Ibid., 1092–93.

75. The term “American half breed” was understood to refer to men with White fathers and Indigenous mothers. Ibid., 1093.

76. The final version of the act limited homesteads to those who arrived by 1853 rather than 1855, but this alteration had little impact on pre-1850 Oregon settlers. This was later extended to 1855 in an amendment.

77. See the work of John Suval for a discussion of how Whig opinion evolved on the subject of free lands for cultivators. Suval, “'The Nomadic Race to Which I Belong,'” 310–11.


80. The United States did not grant citizenship to indigenous people until the 1924 Indian Citizenship Act. The 1970 Naturalization Act restricted citizenship to “any alien, being a free white person” who had lived in the United States for over two years.


86. Abigail J. Duniway, *Captain Grey’s Company; Or, Crossing the Plains and Living in Oregon* (S.J. McCormick, 1859), 173.


89. Van Laere, *Free Words & Promises,* 32.


91. These included treaties with the Rogue River Indians, the Cow Creek band of Umpquas, the Molala, and various Kalapuyan bands. Van Laere, *Fine Words & Promises,* 66–67.


94. Ibid.


96. Ibid., 84–85.

97. According to T.W. Davenport, who investigated the fate of Marion County DLCA claims in 1903, 66 percent of claims had fallen out of possession, while another 15 percent were mortgaged. T.W. Davenport, *An Object Lesson in Patriotism,* *Quarterly of the Oregon Historical Society* 41 (March 1923): 50–51.
