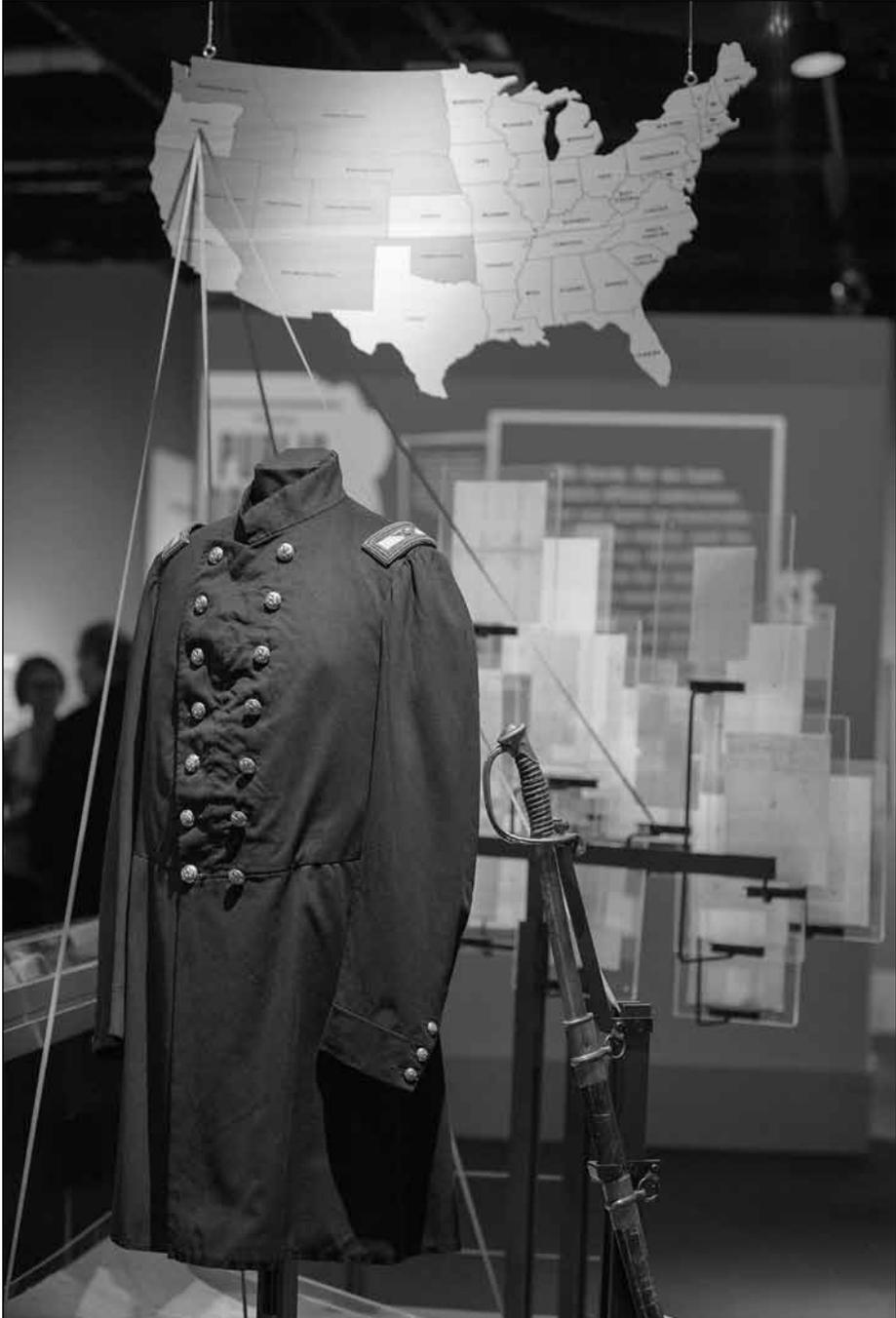


# Oregon's Civil War

## *The Troubled Legacy of Emancipation in the Pacific Northwest*

WHERE DOES OREGON fit into the history of the U.S. Civil War? This is the question I struggled to answer as project historian for the Oregon Historical Society's new exhibit — 2 Years, 1 Month: Lincoln's Legacy. The exhibit, which opened on April 12, 2014, brings together rare documents and artifacts from the Mark Family Collection, the Shapell Manuscript Foundation, and the collections of the Oregon Historical Society (OHS). Starting with Lincoln's enactment of the final Emancipation Proclamation on January 1, 1863, and ending with the U.S. House of Representatives' approval of the Thirteenth Amendment abolishing slavery on January 31, 1865, the exhibit recreates twenty-five critical months in the lives of Abraham Lincoln and the American nation. From the moment we began crafting the exhibit in the fall of 2013, OHS Museum Director Brian J. Carter and I decided to highlight two intertwined themes: Lincoln's controversial decision to emancipate southern slaves, and the efforts of African Americans (free and enslaved) to achieve freedom, equality, and justice. As we constructed an exhibit focused on the national crisis over slavery and African Americans' freedom struggle, we also strove to stay true to OHS's mission to preserve and interpret Oregon's history. Our challenge was to make Lincoln's presidency, the abolition of slavery, and African Americans' quest for citizenship rights relevant to Oregon and, in turn, to explore Oregon's role in these cataclysmic national processes.

This was at first a perplexing task. Popular memory and most scholarly histories treat the Civil War as a North-South conflict, distant from and irrelevant to the Pacific Northwest. Oregon's status as a free state, its residents' (alleged) lack of interest in the slavery question, and its geographic distance from the war's military action have long relegated Oregonians to the role of "spectators of disunion" in most Civil War histories.<sup>1</sup> In the exhibit, however, we stretch the familiar regional boundaries of the Civil War to



*Within the exhibit, a featured display literally ties Oregon to physical artifacts associated with the Civil War and held in the collections of the Oregon Historical Society, physically demonstrating some of the ways the state's history is deeply linked to national conflicts around slavery, equality, and citizenship.*



*A museum visitor considers an annotated version of the final Emancipation Proclamation. To his right are two original copies of the document, including one signed by Lincoln. To his left is a digital screen with rotating images and quotations, displaying a variety of Americans' complex reactions to Lincoln's powerful declaration.*

question of slavery's westward expansion — defined regional politics and law across the Civil War era. White Oregonians were hardly indifferent to or ambivalent about Lincoln's Emancipation Proclamation. The decision to free Confederate slaves launched anti-federal resistance movements in Oregon and gave rise to new organizations aimed at putting down those rebellions. Oregon's showdown over slavery did not get resolved until eight months after the end of the Civil War, when the state's antislavery Unionists ratified the Thirteenth Amendment.

Oregon's racial diversity ensured that all Oregonians had a huge stake in the question of African American civil rights. Although few African Americans actually lived in Oregon, the state's diverse population of American

Indians, Asians, and Pacific Islanders raised perplexing questions about the relationship between race and citizenship. Before, during, and after the Civil War, white Oregonians constructed a legal and political regime based on white supremacy and the exclusion of non-whites from the state's political and social life. In freeing African Americans from slavery and elevating them to citizenship, federal policies during and after the war swept away race-based restrictions on civil and political rights. As the federal government threatened to undo Oregon's carefully constructed racial order, white Oregonians scrambled to shore up racial inequality and to challenge Reconstruction racial policy. The ratification of the Fourteenth and Fifteenth amendments to the U.S. Constitution eventually forced white Oregonians to accept Reconstruction policy, but Oregon's politicians continued to struggle against racial equality in Congress. There, they played a critical role in formulating a new federal naturalization law that excluded Asian immigrants from becoming U.S. citizens for over eighty years. Oregon therefore not only participated in the wartime struggle over slavery and civil rights; the state's representatives in Congress also continued to struggle against racial equality and played a critical role in determining the racial boundaries of citizenship in the postwar era.

## OREGON AND THE SLAVERY QUESTION

The persistent myth that Oregon was a free land where white unity against slavery made free-state status nearly inevitable often obscures the prominence of the slavery question in provisional, territorial, and state politics. In such retellings of Oregon's history, the introduction of slavery was a non-starter because of the overwhelmingly free-soil bent of early settlers, those pioneers' desire to preserve the West as a haven for humble white farmers free from competition from both masters and slaves, and the Pacific Northwest's inhospitable climate for plantation agriculture. Provisional and territorial lawmakers banned slavery throughout the 1840s and 1850s. When Oregon voters — that is, white men — approved a new state constitution in 1857, they chose to prohibit both slavery and black emigration. According to myth, the lack of free or enslaved African Americans and the overwhelming sentiment in favor of keeping Oregon a free country ostensibly minimized the impact of the national struggle over slavery and emancipation on state politics, law, and social relations. This interpretation of Oregon's prewar history overestimates white Oregonians' unity on the slavery question and underestimates the vibrancy of proslavery sentiment in the region.

Only a handful of slaveholders ever attempted to bring slaves into Oregon. Census records suggest that no more than thirty-five enslaved African Americans ever set foot on Oregon soil between 1843 and 1855.<sup>3</sup> Nonetheless, white

southerners who were sympathetic to the cause of protecting slaveholders' property rights enjoyed great influence in early provisional, territorial, and state politics. Affiliated with the state's burgeoning Democratic Party, many proslavery advocates and sympathizers won election to Oregon's highest political offices. They found allies among northern-born Democrats who were ambivalent about slavery, hostile to African Americans, and adamant about protecting both individual property rights and states' rights to control their own domestic affairs.<sup>4</sup> Few of Oregon's southern-sympathizing Democrats actually aspired to bring large numbers of slaves into the territory. They hoped, instead, to compel their free-soil neighbors to accept the central proslavery argument of the antebellum era: New federal territories in the West were the common property of all American citizens, and (according to proslavery ideology) the U.S. Constitution guaranteed southerners the right to take their slave property into those territories. In this view, prevalent among slavery's defenders, neither Congress nor territorial governments could close out slaveholders or slaves.<sup>5</sup>

Oregon's proslavery Democrats codified their beliefs through a series of laws aimed at upholding slaveholders' property rights. In 1844, they managed to append to a provisional law banning slavery a protective clause, giving slaveholders who brought their bondpeople into the Oregon Country three years to remove them to the slave states. Only after violating the three-year limit would masters risk losing ownership of their slave property. Support for these kinds of slaveholder protections persisted into the late 1850s.<sup>6</sup> After the U.S. Supreme Court's decision in *Dred Scott v. Sandford* (1857) validated the proslavery argument that neither Congress nor territorial governments could bar slavery in the federal territories, Oregon's proslavery legislators hastened to pass new legislation upholding the ruling. In early 1859, just before statehood, they proposed a bill allowing slaveholders to keep, hold, and deport enslaved people they had brought into Oregon during the pre-statehood period. Although this measure gained some traction, it ultimately failed when the legislative term expired before the bill's supporters could push it through both houses.<sup>7</sup>

Democrats who were sympathetic to slaveholders' rights also won important concessions during the state constitutional convention of 1857. Under the leadership of a proslavery convention president, Democrat Matthew P. Deady, delegates opted not to adopt a constitutional provision that would ban slavery outright. Adhering to the principle of "popular sovereignty" (the idea that residents of the western territories should decide for themselves whether their future state should be free or slave), the constitutional convention left the slavery question to a popular vote. Oregon's white men ultimately voted down slavery, but the final tally — 7,727 against

*Abstract of votes polled at the special election  
November 9<sup>th</sup> 1857, in Polk County, O.T.  
Whole number of votes cast 726*

<i>Name of Precinct</i>	<i>Constitution</i>		<i>Slavery</i>		<i>Free Negroes</i>	
	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>	<i>Yes</i>	<i>No</i>
<i>Dallas</i>	<i>139</i>	<i>51</i>	<i>33</i>	<i>119</i>	<i>14</i>	<i>153</i>
<i>Bridgeport</i>	<i>28</i>	<i>7</i>	<i>14</i>	<i>20</i>	<i>3</i>	<i>22</i>
<i>Suckimute</i>	<i>56</i>	<i>12</i>	<i>38</i>	<i>29</i>	<i>2</i>	<i>57</i>
<i>Same</i>	<i>26</i>	<i>8</i>	<i>7</i>	<i>27</i>	<i>2</i>	<i>30</i>
<i>Monmouth</i>	<i>84</i>	<i>12</i>	<i>25</i>	<i>70</i>	<i>7</i>	<i>79</i>
<i>Estas</i>	<i>52</i>	<i>7</i>	<i>7</i>	<i>52</i>	<i>3</i>	<i>51</i>
<i>Bethel</i>	<i>50</i>	<i>31</i>	<i>27</i>	<i>53</i>	<i>7</i>	<i>67</i>
<i>Salt Lake</i>	<i>19</i>	<i>3</i>	<i>8</i>	<i>13</i>	<i>-</i>	<i>20</i>
<i>Jackson</i>	<i>38</i>	<i>20</i>	<i>7</i>	<i>53</i>	<i>13</i>	<i>42</i>
<i>Douglas</i>	<i>36</i>	<i>37</i>	<i>25</i>	<i>48</i>	<i>2</i>	<i>63</i>
	<i>528</i>	<i>188</i>	<i>231</i>	<i>484</i>	<i>53</i>	<i>584</i>

*Territory of Oregon 2  
County of Polk 335*

*I Succin Heath Auditor within and  
for said County, do hereby certify the above is a true  
copy of the abstract of the votes polled at said election  
in said County as remains on file in my office*

*Given under my hand and official seal at  
Dallas O.T. this 19<sup>th</sup> day of November 1857,  
Succin Heath, Auditor*

This November 9, 1857, abstract of votes from various districts in Polk County shows how enfranchised Oregonians voted on the questions of accepting the constitution, allowing slavery in the state, and allowing free African Americans in the state.

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA.  
**A PROCLAMATION.**

WHEREAS, on the twenty-second day of September, in the year of our Lord one thousand eight hundred and sixty-two, a proclamation was issued by the President of the United States, containing, among other things, the following, to wit:

"That on the first day of January, in the year of our Lord one thousand eight hundred and sixty-three, all persons held as slaves within any State or designated part of a State, the people whereof shall then be in rebellion against the United States, shall be then, thenceforward, and forever, free; and the Executive government of the United States, including the military and naval authority thereof, will recognize and maintain the freedom of such persons, and will do no act or acts to repress such persons, or any of them, in any efforts they may make for their actual freedom.

"That the Executive will, on the first day of January aforesaid, by proclamation, designate the States and parts of States, if any, in which the people thereof, respectively, shall then be in rebellion against the United States; and the fact that any State, or the people thereof, shall on that day be in good faith represented in the Congress of the United States, by members chosen thereto at elections wherein a majority of the qualified voters of such States shall have participated, shall, in the absence of strong countervailing testimony, be deemed conclusive evidence that such State, and the people thereof, are not then in rebellion against the United States."

Now, therefore, I, ABRAHAM LINCOLN, President of the United States, by virtue of the power in me vested as commander-in-chief of the army and navy of the United States, in time of actual armed rebellion against the authority and government of the United States, and as a fit and necessary war measure for suppressing said rebellion, do, on this first day of January, in the year of our Lord one thousand eight hundred and sixty-three, and in accordance with my purpose so to do, publicly proclaimed for the full period of one hundred days from the day first above mentioned, order and designate as the States and parts of States wherein the people thereof, respectively, are this day in rebellion against the United States, the following, to wit:

Arkansas, Texas, Louisiana, (except the parishes of St. Bernard, Plaquemines, Jefferson, St. John, St. Charles, St. James, Ascension, Assumption, Terre Bonne, Lafourche, St. Mary, St. Martin, and Orleans, including the city of New Orleans,) Mississippi, Alabama, Florida, Georgia, South Carolina, North Carolina, and Virginia, (except the forty-eight counties designated as West Virginia, and also the counties of Berkeley, Accomac, Northampton, Elizabeth City, York, Princess Ann, and Norfolk, including the cities of Norfolk and Portsmouth,) and which excepted parts are for the present left precisely as if this proclamation were not issued.

And by virtue of the power and for the purpose aforesaid, I do order and declare that all persons held as slaves within said designated States and parts of States are and henceforward shall be free; and that the Executive government of the United States, including the military and naval authorities thereof, will recognize and maintain the freedom of said persons.

And I hereby enjoin upon the people so declared to be free to abstain from all violence, unless in necessary self-defence; and I recommend to them that, in all cases when allowed, they labor faithfully for reasonable wages.

And I further declare and make known that such persons, of suitable condition, will be received into the armed service of the United States to garrison forts, positions, stations, and other places, and to man vessels of all sorts in said service.

And upon this act, sincerely believed to be an act of justice warranted by the Constitution upon military necessity, I invoke the considerate judgment of mankind and the gracious favor of Almighty God.

In witness whereof I have hereunto set my hand and caused the seal of the United States to be affixed.

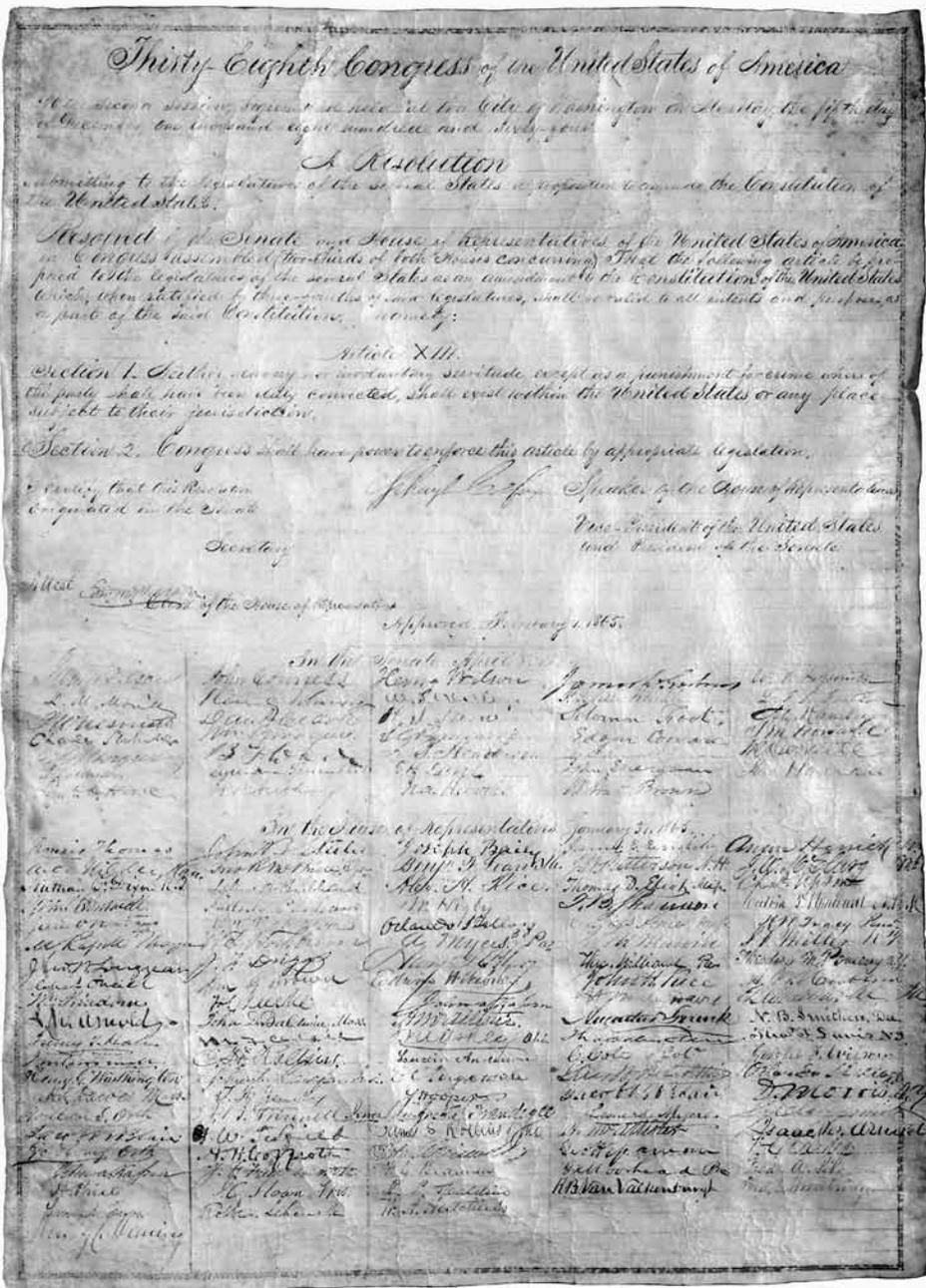
Done at the city of Washington this first day of January, in the year of our Lord one [i. e.] thousand eight hundred and sixty-three, and of the Independence of the United States of America the eighty-seventh.

ABRAHAM LINCOLN.

By the President:

WILLIAM H. SEWARD, *Secretary of State.*

*Lincoln's final Emancipation Proclamation, issued on January 1, 1863, freed all enslaved people living in areas of the Confederacy that were in open rebellion against the United States and encouraged the recruitment of black men into the Union Army. Opposing both African American freedom and black military participation, Confederate sympathizers in Oregon organized to resist Lincoln and the federal government.*



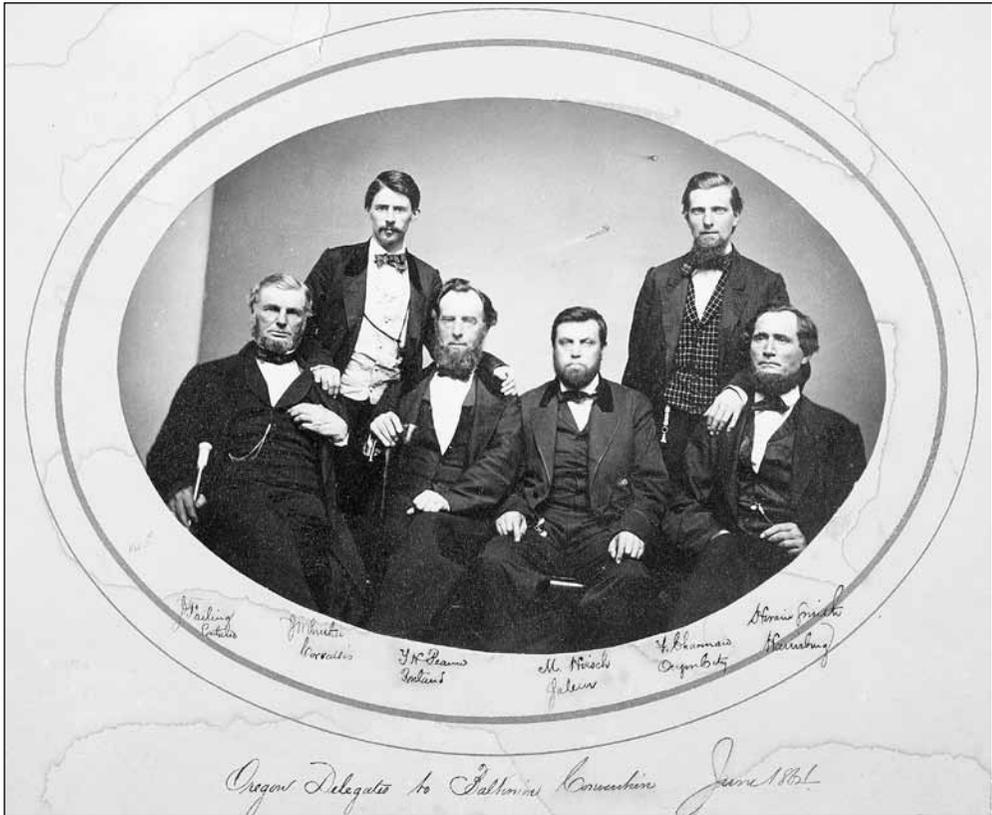
The U.S. House of Representatives' copy of the Thirteenth Amendment is on display in the exhibit. The amendment, which abolished slavery and involuntary servitude in all states and territories, had to be ratified by the requisite number of states and did not become law until December 1865. Over the objections of a handful of Democrats, Oregon ratified the amendment in December 1865.

slavery and 2,645 in favor of it — indicates that roughly one-third of all voters supported the right of slaveholders to bring human property into Oregon.<sup>8</sup> This was hardly a sign that white Oregonians overwhelmingly shunned slavery.

On the eve of the Civil War, then, Oregon was far from being a bastion of free-soilers with little vested interest in the national question of slavery. The state's complex prewar political mix, in which large numbers of free-soilers battled for supremacy against a substantial proslavery minority, ensured that Abraham Lincoln's election, the Civil War, and emancipation took on vital importance for Oregonians. The Republican Party's avowed goal of stopping slavery's expansion into the federal territories prompted Oregon's vocal proslavery minority to denounce Lincoln's election as an attack on slaveholders' constitutional rights. With the secession of southern states, the formation of the Confederacy, and the outbreak of war in 1861, a few Oregon Democrats openly supported disunion. Others counseled neutrality in the war against the Confederacy, and some even went as far as to propose that Oregon secede from the United States and form an independent Pacific republic.<sup>9</sup>

Lincoln's Emancipation Proclamation, which freed all enslaved people in the rebellious Confederate states and approved their enlistment into the Union Army, drove proslavery and pro-Confederate dissent to a fever pitch in Oregon. By 1863, rumors circulated that secret secessionist societies — the Knights of the Golden Circle, chief among them — were cropping up all over the Willamette Valley. These anti-federal agitators planned to seize federal property and foment revolts among local Indians.<sup>10</sup> Many Oregonians simply could not imagine the possibility of remaining within a republic newly dedicated to African American freedom and the destruction of slaveholders' rights to hold human beings as property. Such resistance to emancipation gave rise, in turn, to new political organizations in support of Lincoln and the Union.

Many of Oregon's prewar free-soilers, Republicans, and pro-war Democrats joined forces in a new Union Party dedicated to preserving the Union and supporting the Lincoln administration. Unionists captured dozens of state offices during the 1860s.<sup>11</sup> Addison Crandall Gibbs, Oregon's Unionist governor, tried to use his political influence to crush underground secessionist movements. During his term, Gibbs helped found Oregon's first Union League in Portland, and lodges soon sprung up all around the Willamette Valley. Union Leagues, secret fraternal organizations made up of pro-Union citizens, relied on elaborate rituals — sometimes written in encrypted messages — to bind their members in the cause of defeating secession and slavery. With one hand on the Bible and the other on a copy of the Declaration of Independence, new initiates swore that they had “never voluntarily borne



*Oregon's Union Leagues resembled similar organizations that cropped up throughout the United States during the Civil War. In 1864, representatives from Union Leagues across the country gathered at a national convention. Pictured here are the six Oregon delegates who attended the 1864 National Union Convention held in Baltimore, Maryland. Seated from left to right are: Josiah Failing (Portland), J.S. Souther (Corvallis), Rev. Thomas H. Pearne (Portland), Meyer Hirsch (Salem), Frederick Charman (Oregon City), and Hiram Smith (Harrisburg).*

arms against the United States” and that they would “protect and defend the Constitution and Government of the United States . . . [and] also defend this State against any invasion, insurrection, or rebellion, to the extent of my ability.”<sup>12</sup> In the face of war and secession, those white Oregonians who had long opposed efforts to extend slavery into the West found common ground for creating strong new political and social alliances.

By 1863, most Unionists equated supporting Lincoln’s emancipation policy with upholding the Union and the Constitution. The *Portland Oregonian*, a Unionist newspaper, heartily endorsed emancipation as a

military necessity and condemned opposition to the measure as treason. “The truth is, the proclamation *hurts* the rebels, and will toll more tremendously in its effects and consequences upon their strength than any military step yet taken,” the editor argued. Those who dismissed emancipation as “disagreeable or improper” marked themselves as traitors and secessionist sympathizers.<sup>13</sup> The sentiment that Union and emancipation went hand-in-hand, and that opposition to emancipation marked one as an enemy of the American Republic, extended into the postwar era. In December 1865, Union Party members in the state legislature ratified the Thirteenth Amendment over the protests of a contingent of several Democrats who either opposed passing any Republican legislation or who worried that the federal abolition of slavery encroached too much on states’ rights.<sup>14</sup> Oregon’s struggle over federal restrictions on slavery, which had extended to the earliest days of its provisional government, drew to a close.

## OREGON, RACE, AND CIVIL RIGHTS

Oregonians condemned emancipation as a federal usurpation of citizens’ and states’ rights or, alternately, lauded it as method for winning the war and suppressing treason — revealing they were hardly indifferent to the driving force of the Civil War. But it was during the postwar era, after the Confederate surrender in 1865, that emancipation had its most profound impact on Oregon law and politics. The emancipation of southern slaves, and the enlistment of black men into the Union Army as soldiers, immediately raised new questions about who could claim citizenship and belonging in the nation. Those questions proved persistent. Could either the federal government or individual states continue to deny African American men civil, legal, and political rights once they had fought to save the Union? Would African American men be able to vote, to hold office, and to enjoy full civil and legal equality with white male citizens?

It is tempting to dismiss questions about African American citizenship as irrelevant to postwar Oregon. After all, just 346 people of African descent lived in the state by 1870.<sup>15</sup> When viewed in the larger frames of Oregon’s multiracial society and longstanding white supremacist legal regime, however, the threat posed by African American citizenship becomes clearer. White Oregonians worried that the seemingly imminent enfranchisement of African Americans at the federal level might lead to sweeping laws that prohibited all discrimination on the basis of race or color. African Americans may have been scarce in the Pacific Northwest, but Oregon was a multiracial state and home to thousands of American Indians, Chinese newcomers, Hawaiians, and mixed-race people. Oregon’s prewar laws excluded most of those non-white residents from exercising the rights

Executive Mansion,  
Washington, March 13, 1864.

Private  
Hon. Michael Hahn

My dear Sir:

I congratulate you on having fixed your name in history as the first free-state Governor of Louisiana. Now you are about to have a Convention which, among other things, will probably define the elective franchise. I barely suggest for your private consideration, whether some of the colored people may not be let in — as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty within the family of freedom. But this is only a suggestion, not to the public, but to you alone.

Yours truly  
A. Lincoln.

Courtesy of the Shapell Legacy Partnership

Many Americans anticipated that African American military service would eventually lead to voting rights for black men. In this March 13, 1864, letter to Michael Hahn, the first Reconstruction governor of Louisiana, Abraham Lincoln tentatively suggested that the state should enfranchise deserving black veterans: "Now you are about to have a convention which, among other things, will probably define the elective franchise. I barely suggest for your private consideration, whether some of the colored people may not be let in — as, for instance, the very intelligent, and especially those who have fought gallantly in our ranks. They would probably help, in some trying time to come, to keep the jewel of liberty within the family of freedom." In his last public address on April 11, 1865, just days before his assassination, Lincoln endorsed voting rights for "intelligent" African American men in Louisiana who had served in the Union Army.

Sec. 2. In all elections, not otherwise provided for by this Constitution, every white male citizen of the United States, of the age of twenty one years and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of twenty one years and upwards, who shall have resided

In August 1857, the Committee on Suffrage and Elections, charged with preparing the voting section of Oregon's draft state constitution, submitted this hand-written report to the Oregon Constitutional Convention. Section 2, excerpted above, states: "In all elections, not otherwise provided for, by this Constitution, every white male citizen of the United States, of the age of 21 years, and upwards, who shall have resided in the State during the six months immediately preceding such election; and every white male of foreign birth of the age of 21 years, and upwards, who shall have resided in the United States one year, and shall have resided in this State during six months immediately preceding such election, and shall have declared his intention to become a citizen of the United States one year preceding such election, conformably to the laws of the United States on the subject of naturalization, shall be entitled to vote at all elections authorized by law." The convention ultimately decided to adopt the committee's recommendation so that the new state constitution explicitly linked voting rights to both whiteness and maleness.

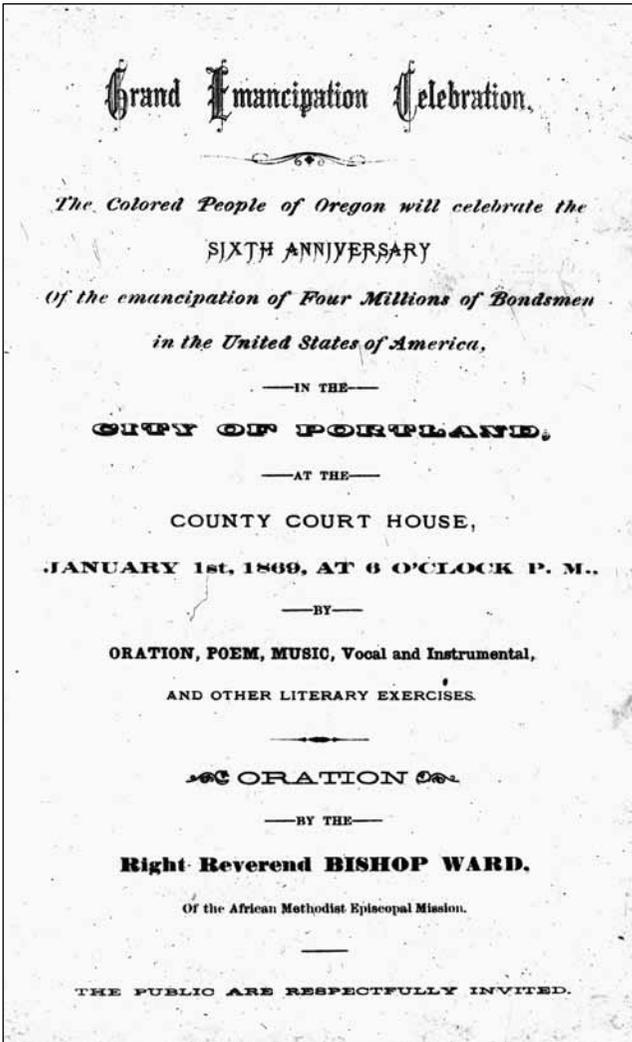
and privileges of citizenship. At stake in the national debate over African American citizenship was the question of whether Oregon, or any state, could continue to make whiteness a central qualification for civil equality and political participation.

The politics of white supremacy had deep roots in Oregon's pre-statehood period. The same free-soil sentiment that made many white Oregonians chafe at the idea of having to compete against hordes of masters and slaves also generated hostility toward free African Americans. Allegedly servile and immoral, free black migrants (like slaves) threatened to degrade manual labor, to diminish job opportunities for whites, and to fill the territory's poorhouses and jails. Provisional and territorial legislators passed black exclusion laws in 1844 and 1849, threatening free black migrants with physical punishment, jail time, and forced labor if they refused to leave

the territory in a timely fashion.<sup>16</sup> Oregon's "black laws," which resembled similar exclusionary codes in southern and midwestern states, persisted throughout the 1850s. In 1850, Congress gave tacit approval to Oregon's trend of African American exclusion (and Native American dispossession) by passing a racially restrictive system of land grants. The Oregon Donation Land Act allowed only white male citizens, and those with half or less Indian blood, to claim up to 640 acres of land on the public domain. Even if free African Americans had ventured to Oregon and avoided expulsion under its black laws, they would not be allowed to claim lucrative homesteads.<sup>17</sup> By 1857, the same state constitutional convention that opted to let Oregon voters decide the slavery question for themselves also left to voter approval the issue of free black migration. Nearly 89 percent of all voters approved a constitutional provision directing the newly formed state legislature to pass black exclusion measures.<sup>18</sup>

Oregon's black exclusion clause was only one of several measures aimed at restricting to white men alone the rights and privileges of citizenship in a multiracial state. The same state constitution that called for a ban on free black emigration also restricted voting rights to each "white male citizen of the United States" and to white men of foreign birth who had declared their intention to naturalize.<sup>19</sup> It explicitly barred any "Negro, Chinaman or mulatto" from voting.<sup>20</sup> In an early bid for Chinese exclusion, the new state constitution also prohibited Chinese arrivals from purchasing mining claims or real estate and asserted Oregon's right to restrict the immigration of people who were incapable of becoming U.S. citizens. The federal Naturalization Act of 1790 prohibited all but "free white persons" from applying to become U.S. citizens, and Oregon hoped to capitalize on this law to enact immigration restriction at the state level.<sup>21</sup> White Oregonians therefore sought, through their bid for statehood, to make whiteness and maleness prerequisites for political participation and full belonging in the polity.

The Civil War, emancipation, and national debates about African American rights immediately challenged Oregon's white supremacist legal regime. Just as the war ended, Henry L. Pittock, the Unionist editor of the *Portland Oregonian*, celebrated the end of slavery but also asked a troubling question: "What shall be the social and political standing of the slave when he becomes a freeman?" Most African Americans, he argued, lacked the "capacity for self-government" required of true citizens. Was it wise, then, to open citizenship to African Americans, especially when the removal of racial restrictions against them might eventually allow other, equally unworthy, non-white Oregonians to wear the mantle of citizenship? He concluded that "this nation of the white race should well ponder the question before it admits the African, the Mongolian [Chinese] and the Indian to all its privileges."<sup>22</sup>



Pittock had good reason to fear that postwar policy might tear down the white man's republic that enfranchised Oregonians had worked so hard to construct. During the late 1860s, Republicans in Congress proposed two new constitutional amendments aimed at extending civil and political rights to

African Americans. The Fourteenth Amendment declared all people born in the United States to be citizens, forbade the states from abridging the rights of citizens, and guaranteed all *persons* (citizens or non-citizens) due process and the equal protection of the laws. The Fifteenth Amendment prohibited the states from denying citizens the right to vote on the basis of race, color, or previous servitude. Although Congress formulated these amendments with former African American slaves in mind, they would have enormous implications for Oregon's multiracial population. Both amendments' broad prohibitions on racial discrimination, coupled with the Fourteenth Amendment's specific provision granting non-citizen aliens equal legal protection, threatened to overturn not only Oregon's black exclusion laws but also most

*On January 1, 1869, African Americans in Oregon organized a celebration of the sixth anniversary of the Emancipation Proclamation. Such public recognition of the anniversary, despite the relatively small population of African Americans and a history of exclusionary laws in the state, underscores the significance of the Civil War in Oregon.*

of its restrictions on suffrage and its anti-Chinese measures. The federal reconstruction of race relations in the American South thus promised to revolutionize race relations in the American West.

White Oregonians responded to the crumbling of slavery and restrictions on citizenship with efforts to solidify their state's racial order. In 1862, the Oregon Legislature enacted a poll tax aimed at discouraging African Americans, Chinese, and Hawaiians from taking up residence in the state. Each "negro, chinaman, kanaka [Hawaiian] or mulatto" would have to pay an annual tax of five dollars to the county in which he or she lived. People who were unable or unwilling to pay the tax would be forced to work on the public highways until they satisfied their debt.<sup>23</sup> In 1866, the year after the war ended, the legislature banned racial intermarriage by prohibiting whites



OHS Research Library #ba01872

*One of the earliest photographs of Portland, Oregon, this view of Southwest First Street between Yamhill and Morrison Streets, taken in about 1857, documents the presence of Chinese in the state; next to Monnastes & Davis foundry (large center building) is Hop Wo Washing & Ironing. The resistance of Oregonians and other Westerners to Chinese citizenship helped curb proposals for broad civil rights after the Civil War.*

from marrying African Americans, Chinese, Hawaiians, or anyone with more than half American Indian ancestry.<sup>24</sup> Like critics of Reconstruction across the United States who worried that emancipation and elevation of African Americans to citizenship portended “social equality” — the promiscuous mixing of whites and non-whites in the nation’s homes and bedrooms — white Oregonians stood steadfast against the tide of change.<sup>25</sup>

Library of Congress Prints and Photographs Division, LC-BH826-2088



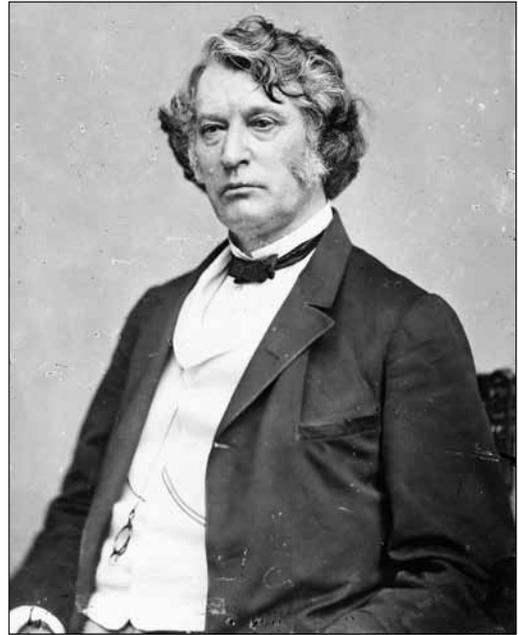
*Sen. George Henry Williams of Oregon, pictured here in the 1870s, was the first to voice opposition to changes in federal naturalization laws that would allow all non-white immigrants to become U.S. citizens. As a result of the West’s opposition to Chinese citizenship, Radical Republicans across the country were forced to accept much less inclusive naturalization language.*

A number of white Oregonians also directly resisted federal Reconstruction. Oregon’s Democratic Party, the old bastion of proslavery sentiment, decried the Fourteenth Amendment and pledged to defeat it. The legislature only ratified it in 1866 because Republicans used political trickery to quash dissent and push it through the assembly. When Democrats seized the legislature back in 1868, they rescinded Oregon’s ratification.<sup>26</sup> By then, the amendment already had approval from the requisite number of states. It became part of the U.S. Constitution without Oregon’s approval. Resurgent Democrats redoubled their efforts to defeat the Fifteenth Amendment. This time, a large number of moderate Oregon Republicans — men who were genuinely ambivalent about African American voting and who worried that the issue of non-white suffrage would ruin them in state politics — also criticized federal Reconstruction policy. They ignored or downplayed the Republican push for African American

voting rights at the national level and spoke out against it in Oregon. In the end, enough states ratified the Fifteenth Amendment that it became part of the U.S. Constitution without the Oregon legislature even meeting to discuss it. This did not stop Oregon legislators from issuing a scathing rejection of the amendment six months after it had already become the law of the land.

They dubbed it an illegal, unconstitutional act of Congress that violated states' rights to determine voter qualifications.<sup>27</sup>

Because federal law continually trumped Oregon state law, white Oregonians who opposed the new Reconstruction racial order found ways to obstruct it at the national level. In 1870, Oregon's representatives in Congress played a critical role in passing legislation ensuring that new rights for African Americans would not extend to Chinese immigrants. That year, Radical Republican Charles Sumner of Massachusetts proposed to rewrite the federal Naturalization Act of 1790 and remove the section limiting citizenship to immigrants who were "free white persons." Sumner and other Radicals wanted to strike out this racialized language so that people of African descent born abroad could become naturalized citizens alongside U.S.-born African Americans. In Oregon and other western states, the decoupling of whiteness and naturalization rights would allow thousands of Chinese-born immigrants to become citizens and voters. For this reason, both Oregon Republicans and Oregon Democrats opposed any changes to federal naturalization laws that would leave them race-neutral. As soon as Sumner introduced his revisions, Oregon Republican Sen. George Williams voiced the first opposition. Williams insisted on an amendment to Sumner's naturalization law that stated explicitly that "this act shall not be construed to authorize the naturalization of persons born in the Chinese Empire."<sup>28</sup> Senators from Nevada and California followed Williams's lead and opposed any attempts to make the law race-neutral. The West's resistance to Chinese citizenship, initiated by Oregon,



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*Charles Sumner of Massachusetts, pictured here later in his life, was a Radical Republican and proponent of striking language from the 1790 federal Naturalization Act that coupled whiteness and naturalization rights. In Oregon, those changes would have allowed Chinese-born immigrants and immigrants of African descent to become citizens and voters and was therefore opposed by many Oregon lawmakers of both parties.*

eventually forced Radical Republicans to accept a far less radical and inclusive naturalization law, one that limited the ability to become a U.S. citizen to white European immigrants and “to aliens of African nativity and persons of African descent.”<sup>29</sup> In its final form, the Naturalization Act of 1870 ended up barring all foreign-born people of Asian descent from becoming naturalized U.S. citizens for more than eighty years. Not until the passage of the McCarran-Walter Act in 1952 would the United States finally lift most racial restrictions on naturalization.

Oregon’s foundational role in the creation of the Naturalization Act of 1870 reveals that the Civil War and Reconstruction, and monumental national questions about freedom and race, stretched west to shape Pacific Northwest politics. It also shows that the Pacific Northwest, long imagined as outside of and irrelevant to the mainstream of nineteenth-century U.S. history, played a critical part in shaping the contours of national Reconstruction policy. To better understand how Americans attempted to draw racial boundaries around national citizenship and belonging in the wake of the Civil War, we need to look beyond the black-white politics of the North and the South, to the multiracial West. Putting Oregon in the history of the Civil War, then, does more than enhance our appreciation of the complexity of regional history. It restores the Pacific Northwest to its rightful place as an equal participant in the national drama over who could claim to be an American citizen and what that citizenship meant.

## NOTES

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1. See, for instance, Robert Johannsen, “Spectators of Disunion: The Pacific Northwest and the Civil War,” *Pacific Northwest Quarterly* 44 (July 1953): 106–14.

2. New scholarship on the Civil War in the Pacific Northwest includes Richard W. Etulain, *Lincoln and Oregon Country Politics in the Civil War Era* (Corvallis: Oregon State University Press, 2013); and R. Gregory Nokes, *Breaking Chains: Slavery on Trial in the Oregon Country* (Corvallis: Oregon State

University Press, 2013). For recent works that treat the Civil War and Reconstruction in the West more broadly, or in other western states, see Richard W. Etulain, ed., *Lincoln Looks West: From the Mississippi to the Pacific* (Carbondale: Southern Illinois University Press, 2010); Glenna Matthews, *The Golden State in the Civil War: Thomas Starr King, the Republican Party, and the Birth of Modern California* (Cambridge: Cambridge University Press, 2012); Joshua Paddison, *American Heathens: Religion, Race, and Reconstruction in California* (Berkeley: University of California Press, 2012); Stacey L. Smith, *Freedom’s Frontier: California and the Struggle over Unfree Labor, Emancipation,*

- and Reconstruction (Chapel Hill: University of North Carolina Press, 2013); and D. Michael Bottoms, *An Aristocracy of Color: Race and Reconstruction in California and the West* (Norman: University of Oklahoma Press, 2013).
3. Nokes, *Breaking Chains*, 189–90.
  4. On Oregon's early Democratic Party, see Etulain, *Lincoln and Oregon Country Politics*, 31–33, 40–41, and 75–80; and David Johnson, *Founding the Far West: California, Oregon, and Nevada, 1840–1890* (Berkeley: University of California Press, 1992), 139–67.
  5. For the debate over slavery's westward expansion and proslavery legal reasoning, see David M. Potter, *The Impending Crisis, 1848–1861* (New York: Harper and Row, 1976), 59–62; and Michael Morrison, *Slavery and the American West: The Eclipse of Manifest Destiny and the Coming of the Civil War* (Chapel Hill: University of North Carolina Press, 1997), 58–61.
  6. Hubert Howe Bancroft [France Fuller Victor], *History of Oregon, 1834–1848*, vol. 29 of *The Works of Hubert Howe Bancroft* (San Francisco: History Company, 1886), 438–39n20.
  7. Helen Jean Poulton, “The Attitude of Oregon Toward Slavery and Secession, 1843–1865” (M.A. thesis, University of Oregon, 1946), 45–49.
  8. Etulain, *Lincoln and Oregon Country Politics*, 34–36.
  9. *Ibid.*, 105–110; Walter Carleton Woodward, *The Rise and Early History of Political Parties in Oregon, 1843–1868* (Portland, Ore.: J.K. Gill, 1913), 189–94.
  10. Etulain, *Lincoln and Oregon Country Politics*, 106; Poulton, “Attitude of Oregon Toward Slavery and Secession,” 122–29.
  11. On Oregon's Union Party coalition, see Etulain, *Lincoln and Oregon Country Politics*, 84–88.
  12. *Ritual of the Union League, adopted at Cleveland, Ohio, May 21, 1863*, folder 17, box 41, Associations and Institutions Collection, Mss 1511, Davies Family Research Library, Oregon Historical Society, Portland, Oregon.
  13. *Oregonian*, March 2, 1863, p. 2.
  14. Eugene Berwanger, *The West and Reconstruction* (Urbana: University of Illinois Press, 1981), 28.
  15. *Ibid.*, 207.
  16. Eugene Berwanger, *The Frontier Against Slavery: Western Anti-Negro Prejudice and the Slavery Extension Controversy* (Urbana: University of Illinois Press, 1967), 78–85; Nokes, *Breaking Chains*, 47–50, and 62–64.
  17. On the racial consequences of the Donation Land Act, consult Peggy Pascoe, *What Comes Naturally: Miscegenation Law and the Making of Race in America* (New York: Oxford University Press, 2009), 96–97; and Nokes, *Breaking Chains*, 38.
  18. Etulain, *Lincoln and Oregon Country Politics*, 34–36.
  19. Oregon Constitution of 1857, Article 2, section 2.
  20. *Ibid.*, Article 2, section 6.
  21. *Ibid.*, Article 1, section 32; and Article 15, section 8.
  22. *Oregonian*, March 3, 1865, p. 2.
  23. *Organic and Other General Laws of Oregon, 1845–1864*, compiled and annotated by Matthew Deady (Portland, Ore.: Henry L. Pittock, 1866), 815–17; Pascoe, *What Comes Naturally*, 78–80.
  24. *Organic and Other General Laws of Oregon, 1843–1872* (N.P.: Eugene Semple, 1874), 440.
  25. On the ways that critics of Reconstruction developed the term “social equality” to undermine African American equality, see Stephen Kantrowitz, *More than Freedom: Fighting for Black Citizenship in a White Republic, 1829–1889* (New York: Penguin, 2012), 382–89.
  26. Berwanger, *West and Reconstruction*, 120, 209.
  27. *Ibid.*, 180.
  28. Najia Aarim-Herriot, *Chinese Immigrants, African Americans, and Racial Anxiety in the United States, 1848–1882* (Urbana: University of Illinois Press, 2002), 144–45.
  29. *An Act to amend the Naturalization Laws and to punish Crimes against the same, and for other Purposes* [Naturalization Act of 1870]. 16 U.S. Stat. 254–256.