

Racism in Oregon: An Egregious History *continued from front page*

Unfortunately Oregon's discrimination continued, and remained a part of its culture, even today.

Oregon's bigotry towards people of color in the 1840s was not unusual in the United States during that time period. Throughout the mid 1800s the young nation struggled with the issue of slavery and the rights of free black citizens. It was the leading political issue of the time, eventually leading to the dissolution of the Union and the formation of the Confederate States, and eventually the Civil War. The westward expansion of the country and the addition of new states, as either "free" or "slave" was a political hot button. Slavery was the economic driver of the southern economy and slaves were hunted down and returned to their owners, even after they had escaped into northern states. Abolitionists, outspoken and determined to end slavery as an institution, were often violently attacked by slavery supporters. As early as 1838, Abraham Lincoln, then just 28 years old and a member of the Illinois State Legislature, was already cemented in his belief that slavery was wrong. He spoke out against its evils and condemned the murder of two

people by pro-slavery mobs in his now famous address to the Young Men's Lyceum of Springfield, Illinois.

This was the political climate when emigrants began heading west over the Oregon Trail, including George Washington Bush and his Missouri neighbors. One of the reasons Bush was eager to leave behind his homestead in Missouri was the ongoing fight there over Missouri's inclusion in the Union as a free or slave state.

Oregon joined the Union on February 14, 1859 as the 33rd state. Prior to statehood, a Provisional Government had been established in 1843, which, after a bitter fight, included an anti-slavery ordinance. But while the territory was not going to allow slavery, the law contained a shameful amendment – it barred any free blacks from settling in the territory, stating that any black staying for more than two years could be punished by up to 39 lashes with a whip.

Another group of 54 wagons departed Missouri at the same time as the Gilliam Party with Bush and his neighbors. That second party was led by Moses Harris, and included Nathaniel Ford. Part way along the trail the two groups

joined together to form one large party. Ford had brought with him six black slaves which he owned, even though Oregon law didn't allow slavery. One of Ford's slaves, Robin Holmes, who Ford had freed, would sue Ford in 1853 and successfully win freedom for his children who Ford still owned. Two recent books, one, *Breaking Chains: Slavery on Trial in the Oregon Territory*, is the true account of the incident which documents the early history of black people in Oregon, written by Gregory Nokes. The other book is a work of fiction about the Ford/Holmes dispute by author Philip Margolin, titled *Worthy Brown's Daughter*. The two books are currently featured as part of the "Columbia County Reads" program, with both authors appearing together for group discussions around Columbia County between April 25-27. The Vernonia program is scheduled for April 26 at 6:00 pm at the Vernonia Library. (See story on page 10.)

In 1843 the United States and Britain were still in disagreement in the Pacific Northwest about where the boundary between their jurisdictions lay. The boundary was the Columbia River, with Britain controlling the north shore all the way to the Pacific Ocean.

George Bush and his friends were devastated to learn he was unable to settle in the Oregon Country. Bush was a valuable part of their party and his neighbors were indebted to him, and refused to abandon him. They soon learned that Oregon's Provisional Government had no jurisdiction north of the Columbia, so they headed to Puget Sound into British territory. They were permitted to settle there, despite the British policy blocking American immigration.

In 1846 an agreement was reached establishing the 49th parallel as the border between the U.S. and Britain. Bush now lived in United States territory, and was once again under the jurisdiction of Oregon's Provisional law. Bush's friends petitioned the government on his behalf and he was allowed to stay, but he was unable to own property. He worked a 640 acre farm anyway, helping establish the community of Bush Prairie where he grew produce, raised livestock, and planted an orchard. He helped fund the first sawmill on Puget Sound and during the harsh winter of 1852 he graciously shared his stores with struggling neighbors, declining an opportunity to turn a hefty profit on their misfortune.

In 1853 Washington separated from the Oregon Territory. Bush was granted title to his land in 1855 by the U.S. Congress after more lobbying on his behalf. He remained a model citizen and successful farmer; his sons continued to farm on the property with his oldest son William Owen, who served two terms in the Washington State Legislature, awarded first prize for his wheat at the Philadelphia Exposition in 1876, beating entries from all over the world.

The early Oregon Provisional Government discouraged an industrious and successful citizen like George Washington Bush from settling within its borders, but apparently they didn't learn anything about their white supremacist views, or consider it a mistake.

In 1859 when Oregon eventually joined the union, the state constitution contained an exclusionary law forbidding blacks from living here; Oregon holds the ignoble distinction as the only state to enter the Union barring blacks from living within its borders. The exclusionary law was to be enforced with a "Lash Law" requiring that any blacks found living in the state be whipped every six months until they left the state. In 1900 Oregon voters rejected a proposal to remove the exclusion law. The law was finally repealed by Oregon voters in 1926 but the wording was not removed from the constitution until 2001.

Oregon's discriminatory history didn't end there. In 1868, following President Abraham Lincoln's Emancipation Proclamation in 1863, freeing slaves in the south, the Fourteenth Amendment was added to the U.S. Constitution, granting citizenship and equal rights to American blacks. Oregon was one of the first states to ratify it in 1866, but turned around and repealed their ratification in 1868 after it had already become law. The Oregon Legislature would not ratify it until 1973.

In 1870 the Fifteenth Amendment was added to the Constitution, prohibiting the federal government and each state from denying a citizen the right to vote based on that citizen's "race, color, or previous condition of servitude." The Amendment overruled a standing Oregon law which specifically banned blacks from voting in the state. Oregon was one of seven states that failed to ratify the new law at that time, and ratification was not approved in Oregon until 1959.

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Painter Case Ends in Guilty Plea *continued from front page*

be transferred to a DOC prison facility.

Mr. Butts also pleaded Guilty Except for Insanity to lesser property offenses, including charges of Robbery in the First Degree, Burglary in the First Degree, and Theft in the First Degree.

Painter was 55 and a 25-year veteran of the Rainier Police Department when he responded to the Sound Authority stereo shop in Rainier shortly before 11:00 am on January 5, 2011, on a call about a man acting suspiciously. Butts had entered a car on the property and was trying to steal it when the chief confronted him. During a physical altercation Butts grabbed the chief's gun from his holster after knocking him to the ground and shot Painter in the head. Butts was later wounded in a shoot-out with other responding officers and apprehended.

Painter had been the Rainier Police Chief for five years and left behind his wife and seven children. Ten members of Painters' family spoke during the hearing.

"From this day forward I choose to forget the continuing and prolonged reminders of upcoming court hearings. I choose to forget how Ralph died. I choose to only remember how he lived," said Amy Painter, the widow of Chief Painter, in her statement to the court.

"This resolution will hopefully begin some of the healing process for me and others," said Jeremy Howell, son of Chief Painter and a veteran St. Helens Police Officer, in his statement.

The sentencing concludes many years of battling over Butts' mental state at the time of the murder.

Butts was found competent to stand trial in 2012, but officials later decided he required further evaluation. A psychologist who evaluated Butts in February 2018 told the court that the defendant was schizophrenic but was fit to stand trial. In July Columbia County Judge Ted Grove ruled Butts' symptoms of schizophrenia have diminished be-

cause of hospitalization and forced medication and that Butts is able to aid and assist in his defense.

"This plea agreement acknowledges that there is substantial evidence that Daniel Butts does in fact suffer from a mental illness, but that his mental illness was never an excuse for the killing of Chief Ralph Painter," said District Attorney Auxier. "Chief Painter acted heroically that day, and there are no excuses for the defendant's violent act."

Auxier said the Columbia County District Attorney's Office consulted with the Painter family and the lead detectives about the pretrial discussions concerning a possible plea deal, and said the Painter family asked the prosecution to accept the offer to settle the case, which had been made by the defense. According to Auxier the lead detectives and the Rainier Police Department were also in full support of this carefully negotiated resolution, which resulted in Mr. Butts receiving a life sentence in prison.

Auxier said the Columbia County District Attorney's Office has a strict policy against making plea offers in homicide cases. However, when a person charged with a homicide, through their attorney, makes an offer to resolve a case, the District Attorney has an obligation to present that offer to the victim's family. "After several weeks of discussions with the family and their attorney, law enforcement, and the court, Chief Painter's family unanimously asked the District Attorney's Office to accept the pretrial offer presented by the defense," said Auxier in a released statement.

"This is a win for our city, and the Rainier community supports the Painter family's decision," said Rainier Mayor Jerry Cole, who has served as mayor and as a local firefighter for over 18 years. "This sentence protects our community from harm, and allows our community to heal."

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