



OPINION

Offbeat Oregon History

Supreme Court once declared slavery legal for sailors

BY FINN J.D. JOHN
For the Sentinel

Nearly everyone knows that the dirty business of “shanghaiing” people onto sailing ships was relatively common in the 1890s in waterfront port towns like Portland and Astoria.

But what most don’t know is that most of that shanghaiing was perfectly legal under state and federal law — thanks to an edict of the Supreme Court, which actually proclaimed that because sailors are categorically stupid, the Constitutional ban on slavery didn’t apply to them.

This sounds like hyperbole or exaggeration. It’s not.

The shanghaiing incident that led to this judicial whopper happened in Astoria, where sailors were always hard to come by and locals knew to watch out. Astoria, as you may know, is the port in which shanghaiers once were desperate enough to try kidnapping a Methodist minister in his own church (unsuccessfully; the minister turned out to be an ex-prizefighter). It’s also the town that was once so desperate for sailors that shanghaiing legend Larry Sullivan once actually chartered a riverboat to throw a “birthday party cruise to Astoria” — complete with luxurious foods, lots of booze and prostitutes — and invited a bunch of suckers from the streets of Portland to join him in the revels so that they could be delivered, helplessly drunk, on the deck of a desperately understaffed ship.

So, knowing such extreme measures were the price of replacement sailors in Astoria, skippers tended to pull out all the stops trying to get them back when they jumped ship there.

And such was the case on one particular day in May of 1895, when the barkentine Arago put into Astoria. The ship had just left San Francisco, and Astoria was its first stop on an open-ended cruise to foreign and domestic ports, including Valparaiso “and thence to such other foreign ports as the master may direct.” There was no time limitation; the cruise would be over when the captain said it was over. Such contracts were the usual thing sailors would sign (or, in the case of the shanghaied, be forced to sign) before embarking on a voyage.

But for four of the sailors on the Arago, Astoria was as far as they wanted to go. So in classic American blue-collar style, they walked off the job, saying, in effect, “we quit.”

Now, these sailors knew it wouldn’t be that simple. For time

out of mind, the private owners of merchant ships had been able to call upon local law enforcement authorities to force their would-be ex-employees to return to the job. Those sailors knew what was about to happen; in fact, it was part of their plan. They, and the sailors’ union they were part of, knew that being forced to sail on a ship — that is, being shanghaied — is involuntary servitude. And involuntary servitude, a.k.a. slavery, is directly forbidden by the Thirteenth Amendment. But forcing sailors to return to work when they tried to quit was common practice, and nobody had yet challenged it in court.

So what they and their union wanted to do was just that — challenge legal shanghaiing in court, ideally appealing it all the way to the Supreme Court. The Supreme Court would then have no choice but to enforce the plain and simple language of the Constitution. Yes, they’d broken their contract. Yes, they were liable for whatever costs the shipper incurred as a result of that violation. But could they legally be rounded up at gunpoint and returned to the “master” like a runaway slave in ante-bellum Georgia? Surely not. Surely the Supreme Court would put a stop to such practices — right?

Wrong.

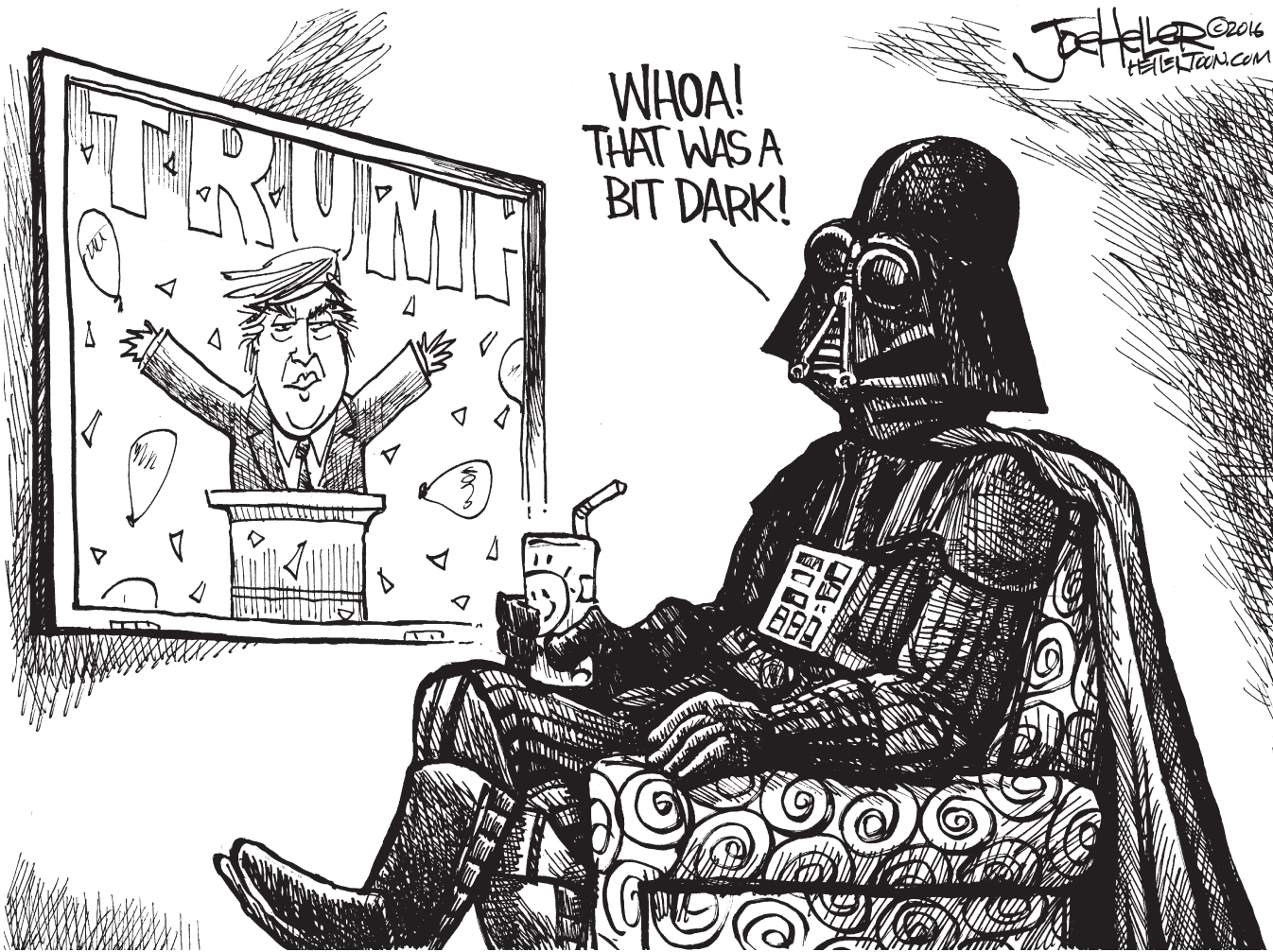
In one of the most astonishing decisions ever to come out of the Supreme Court, the 8-1 majority held that sailors were an “exception” to the Constitutional prohibition.

The ruling was shocking to modern ears from start to finish. It kicked off by claiming that the government was allowed to use force to compel performance of a civil contract, citing as precedent the case of an actual runaway slave in Pennsylvania before the war.

Then it claimed that “involuntary servitude” wasn’t involuntary if a person signed an agreement to enter into it — in effect, ruling that actual plantation-style slavery would still be legal if the slaves signed a contract first, giving consent to be enslaved.

The Court’s next whopper was a casual assertion that the Bill of Rights in the U.S. Constitution had been intended only to formalize existing practice, not to create any kind of revolutionary change from English law (an astonishing claim, and very untrue) and that, therefore, the Thirteenth Amendment wasn’t intended to make major changes from established practice. Other than, you know, that whole “outlawing slavery in the South” thing.

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A salute to BMD's indispensable volunteers

The 2016 Bohemia Mining Days festival has now joined the 56 others that have come and gone. On behalf of the BMD Festival Board and myself, we want to thank our community for its support this year.

President Eric Johnson, Vice President Joel Reiten, Secretary/Treasurer Cathy Simmons, and board members Jerry Vaverka and Jimmy Schaper and I spend all year planning the festival and work crazy hours in the weeks leading up to, during and immediately following the four-day event. We do it because we are passionate about our history. After more than a half-century of existence, we are determined to do whatever it takes preserve this beloved summer tradition.

I think of the festival as a heavily loaded Conestoga wagon crossing the Cascades. Like an effective oxen team, we work well together and coordinate our different strengths to make it to the crest to enjoy a four-day long magnificent view: We see a sea of smiles filling up “Bohemia City” and that view makes the challenging climb toward another successful BMD worth all the effort.

Everyone who enjoyed our celebration owes a debt of gratitude to the individuals, businesses and organizations who donated money, materials and time to ensure another successful event. They are listed on our website and in a soon-to-be published thank you ad. Please support them whenever possible.

Long-time BMD Festival Coordinator Sharon Jean always says, “It takes many hands and hearts to create Bohemia Mining Days each year.” We are indebted to those hands and hearts and want to recognize a few who went the extra mile to

ensure events happened and the festival ran smoothly.

The CG Sentinel Staff for producing another terrific Bohemia Nugget and the support we receive from our hometown newspaper throughout the year.

KNND’s Sound Crew: Cameron Reiten, Michael Roberts and Fred Talbot for professionally managing three of our four stages.

Holli Turpin and Shawna Neigh used their creativity and passion for history to organize the inaugural BMD Treasure Hunt. Holli’s colorful treasure map was fun and beautifully designed.

Joelie Saunders enthusiastically took the helm of our Grand Miners Parade and built a team that gave us the best organized parade we’ve had in years.

Dan Holt stepped in at the 11th hour to serve as BMD’s volunteer coordinator. He made phone calls to those who applied to be a volunteer, then worked many hours to cover shifts for key positions.

Ellen Hogue, a BMD organizer for 32 years prior to 1999, filled in wherever we needed her and single-handedly ensured Sunday Treasure Hunters received credit for all three checkpoints on South River Road.

Bill and Laurie Caldwell volunteered for multiple shifts throughout the week-end and then stayed on to fill in for other volunteers who didn’t show up to relieve them.

BMD Slabtown vs. Lemati Feud Creator and Game Master Jake Boone (with his trusty assistants Steve and Jesse) brought people of all ages together to play free games in creative ways since 2012. After four years, they are taking a

break, and we thank them for establishing The Feud. We are looking for a new team that will take this on in 2017.

Board member spouses, Bill Simmons, Marjie Vaverka, and Ralph Weeldreyer, put in many hours prior to, during and after the festival.

The Cottage Grove Museum, the Crafty Mercantile and the Main Street Program brought back the Bloomer Parade this year to kick-off the festival.

Roger Kahane, a consummate musician and generous soul, volunteered to open the Heritage Stage for us at 4 pm on Thursday afternoon. The stage canopy was not up yet and still he performed flawlessly before a small audience while roasting in the hot sun.

Photographer Greg Lee volunteered his time and expertise to create an important visual record of our festival for BMD and the Sentinel.

We are now wrapping up the details for this year and planning next month’s Sponsor and Volunteer Appreciation Dinner. As we look to next year, we definitely need more board members who share our passion for continuing this summer tradition.

We also appreciate feedback from festival-goers on their experiences and their suggestions on what can be done to make BMD 2017 even better. Call me at the BMD Office: 541-942-5064 or email: bmd@bohemiainingdays.org

Until next year,

Cindy Weeldreyer
BMD Festival Coordinator

What is Vitamin K2? Do I need both K1 and K2?

BY JOEL FUHRMAN, MD
For the Sentinel

Vitamin K is essential for the process of blood clotting. In fact, vitamin K was named for this important function; the scientists who discovered the vitamin named it using

the first letter of the German word ‘koagulation.’ In addition, we now know that vitamin K



also promotes bone health and heart health via interactions with calcium. Vitamin K allows the body to utilize the calcium needed for bone and tooth formation. Many studies have associated low vitamin K status with a higher risk of hip fracture or low bone mineral density.

There are two forms of vitamin K; Vitamin K1 is easy to obtain when following a high-nutrient (Nutritarian) diet, since it is abundant in leafy green vegetables. Kale, collards, spinach and mustard greens are some of the richest sources of K1. Vitamin K2, on the other hand, is produced by microorganisms and scarce in plant foods; high K2 foods include dark meat chicken, pork and fermented foods like cheese, so K2 is more difficult to get from a Nutritarian diet. The human body can synthesize some K2 from K1, and intestinal bacteria can produce some K2, but these are very small amounts.

Studies report that a causative factor of the low hip fracture incidence in Japan was natto, a fermented soy food, rich in K2. Following this observation, several studies found supplementation with vitamin K2 to be particularly effective at improving bone health. A review of randomized controlled trials found that vitamin K2 reduced bone loss and reduced the risk of fractures; vertebral fracture by 60 percent, hip fracture by 77 percent and all non-vertebral fractures by 81 percent. In women who already had osteoporosis, Vitamin K2 supplementation was also shown to reduce the risk of fracture, reduce bone loss, and increase bone mineral density.

A vitamin K-dependent protein binds up calcium to protect the soft tissues—including the arteries—from calcification. Vitamin K2 in particular helps to prevent the artery wall from stiffening and maintain elasticity.

Coronary artery calcification is a predictor of cardiovascular events, as is arterial stiffness. Higher vitamin K2 intake has been linked with a lower likelihood of coronary calcification; however, the same association was not found for K1. In 2004, the Rotterdam Study revealed that increased dietary intake specifically of vitamin K2 significantly reduced the risk of coronary heart disease by 50 percent as compared to low dietary vitamin K2 intake. In this study, Vitamin K1 had no effect. Similar results were found in another study conducted in 2009. Furthermore, a systematic review of several studies in 2010 also found no association between vitamin K1 intake and coronary heart disease, but higher K2 intake was associated with lower risk. Therefore taking in vitamin K2 in addition to K1 is likely beneficial to help protect against vascular calcification.

Ongoing research on vitamin K is revealing new ways that vitamin K acts to maintain good health. There is some evidence that vitamin K is involved in insulin metabolism, and higher intake of vitamins K1 and K2 are associated with lower risk of type 2 diabetes.

Remember, leafy green vegetables provide generous amounts of vitamin K1, and getting K2 from a supplement is likely beneficial if your diet is low in K2.

Dr. Fuhrman is a #1 New York Times best-selling author and a board certified family physician specializing in lifestyle and nutritional medicine. His newest book, *The End of Heart Disease, offers a detailed plan to prevent and reverse heart disease using a nutrient-dense, plant-rich eating style. Visit his informative website at DrFuhrman.com.*

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Personal attacks and name calling in response to letters are uncalled for and unnecessary.

If you would like to submit an opinion piece, Another View must be no longer than 600 words.

To avoid transcription errors, the Sentinel would prefer editorial and news content be sent electronically via email or electronic media. Hand written submissions will be accepted, but we may need to call to verify spelling, which could delay the publishing of the submission.