

19th-century exclusion laws: a horrific chapter in Oregon's past

BY DAVID JASPER • The Bulletin

When West Linn author R. Gregory Nokes was working on his 2013 book “Breaking Chains: Slavery on Trial in the Oregon Territory,” about two Willamette Valley slaves who were freed in 1850 but then had to fight their former owner in order to have their three children returned to them, there was no telling the story without getting into Oregon's three exclusion laws.

If this is news to you, you're hardly alone in being unaware of the laws, which were written in 1844, 1849 and 1857 to prevent Blacks from settling in “Oregon Country,” as it was known prior to statehood in 1859.

In 1843, the Provisional Government of Oregon banned slavery.

“This law flatly banned slavery in Oregon, no ifs ands or buts. No slavery,” Nokes said. That same year, however, settlers arrived with slaves in tow.

“The first major wagon train came out from Missouri. The captain was Peter Burnett, and he brought a couple of slaves, as did several other people on the wagon train,”

Nokes said.

Burnett got elected to the area's Legislative Council, which in 1844 doubled-down on the slavery ban, “but people that brought slaves would have three years to free them. In effect, that meant you could keep your slave in Oregon for up to three years,” Nokes said. It also included a lash law provision.

“If after three years the slave, the Black man, also women, did not leave Oregon, they would be subjected to a severe lashing,” he said. “So Oregon had rather onerous laws against Blacks, plus practically permitting slavery for up to three years in this period. Not many people know that, in Oregon his-



Uncle Lou Southworth poses with violin in this 1915 photo. Southworth was born in the South and was brought to Oregon in 1853, eventually settling in Jacksonville and buying his freedom.

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tory, and one of the reasons, of course, is because it's embarrassing. People don't want to know there was a brief period in Oregon where slavery was lawful.”

Prior to the 2013 publication “Breaking Chains” publication the exclusion laws were “not widely known, not taught in schools, and I think my book is probably the first to focus on it in any meaningful way,” said Nokes, who has also written about the laws for Columbia Magazine, a quarterly published by the Washington State Historical Society, as well as for an entry in the Oregon Encyclopedia.

In the latter, he writes, “These laws, all later rescinded, largely succeeded in their aim of discouraging free Blacks from settling in Oregon early on, ensuring that Oregon would develop as primarily white.”

Nokes was born and raised in Oregon but left as a young journalist, going to work in Washington, D.C., and later traveling the world as a foreign correspondent for the Associated Press. Later in his career, when he returned to Oregon and went to work for The Oregonian, he made it his mission to learn more about Oregon history, he said.

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