

TEACHING AMERICAN HISTORY PROJECT

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HISTORICAL TOPIC

Enlarging Citizenship: Understanding a Multi-Racial Nation (19th Century)

The struggle over who could participate in the affairs of the nation was joined in the making of the constitution with the insertion of the so-called 3/5 clause. But submerged beneath the volatile problem of black slavery were several issues of citizenship that evolved fitfully throughout the 19th century. These included the widening of the franchise for white males, the role of women in politics, the economy, and society, and the most vexing question of all: the relationship of Indians as peoples and individuals to the national polity. Various actions and policies over the course of the century—conquest and treaty, the reservation system, the Dawes Act—tried to cope with these “native aliens,” but none was successful.

In the Northwest, Indian-white relations were founded in cultural tension and misunderstandings that manifested themselves in such tragedies as the Whitman massacre, the southern Oregon Indian wars of mid-century, the treaties of 1855, and subsequently, the Nez Perce war. Students and teachers can use these events to understand the evolution of inclusion and exclusion and nation-building in American society.

*The Enlarging Citizenship topic contains the subtopics listed below. Each subtopic includes a narrative with highlighted text [resources] and notations indicating that additional support material is available for viewing and/or downloading including primary documents, maps, spreadsheet data and websites. To access the material go to the TAHPDX: Teaching American History Website and use the links available on the **TOPIC AREAS [Enlarging Citizenship]** page or the **QUICK NAVIGATION** pages.*

Search TAHPDX on the internet or access the website via the link on the Community Geography page at <http://www.pdx.edu/ims/comgeo.html>.

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 Curriculum Units developed for this topic (download using the TAHPDX website):

1. African-American Exclusion: The People of Oregon v. The Oregon Constitution
2. Legacy of Oregon's 19th Century Exclusion Laws: The Case of Jacob Vanderpool
3. Slavery and Freedom in America (1760-1890)

1. Slavery

Slavery and the Constitution

The U.S. Constitution avoided the issue of slavery whenever possible and referred to slaves elliptically (as "Other persons" or "persons held to Service or Labour"). Yet the institution resided at the heart of a major set of controversies at the *Constitutional Convention of 1787* [**web resource**].

Web Resource: *Constitutional Convention of 1787*. A Teaching American History site is dedicated to a discussion of this convention including the debates about slavery and the slave trade (<http://teachingamericanhistory.org/convention/>). This site also includes teaching tools and a 4-part drama about the Convention.

Most of the founding fathers, including many slave holders, believed that slavery was an immoral institution fundamentally at odds with principals of liberty and freedom and that it would inevitably wither and die. But many, particularly those in the Deep South, asserted that their livelihoods depended on slavery and that the federal government had no right to interfere with it.

The convention essentially left slavery alone, though it stipulated that slave owners had the right to retrieve fugitive slaves. It compromised on the slave trade, which even many slave owners objected to, by establishing that the federal government would not outlaw the trade for at least twenty years.

Slavery also figured into the debate and ensuing compromise over how to determine apportionment in the House of Representatives. It was agreed that slaves would count as 3/5s of a person for purposes of representation – the *3/5ths Compromise* [pdf resource], a calculation that captured their ambiguous status.

In the coming decades, as disagreements over slavery became more heated, pro-slavery and anti-slavery advocates alike would claim that their position represented the true intent of the nation's founders, and both sides could make plausible arguments.

Web Resource: *The U.S. Constitution*. The National Archives has a dedicated U.S. Constitution site with transcriptions, images and narratives. The 3/5 Compromise is found in Article 1, Section 2, Paragraph 3 of the U.S. Constitution.

Map Resource (historic document): *Distribution of Slaves in the Southern States, 1861*. Source: National Atlas.

The Legal Status of Slaves

It is often assumed that slaves had no legal rights whatsoever, and it is certainly true that slaves and free blacks alike confronted a thicket of racist laws in the South.

But the law in theory and fact protected slaves on occasion. In 1791, for example, a Virginia court refused to convict a slave who had killed his master in self defense, and some nineteenth-century courts agreed. Courts also asserted that whites – including masters – could not murder slaves, but the fact that slaves could not testify against whites made enforcement difficult. Whites who murdered slaves might well serve ten years in jail, and a few were sentenced to death.

Some states passed laws stating that children could not be sold away from their mothers until they reached a certain age, though such laws were commonly violated.

Web Resources for Slaves, the Courts, and Slavery Laws:

Library of Congress *Slaves and the Courts 1740-1869*. The Library of Congress has an extensive webpage devoted to looking at legal rulings on the issue of Slavery which includes the Slave Codes for

the District of Columbia and a link to the LOC's Learning Page with teaching ideas using this collection (<http://memory.loc.gov/ammem/sthtml/sthome.html>).

University of Dayton *Slavery Laws 1787-1863*: The University of Dayton has an excellent website listing the federal and state laws regarding slavery as well as significant court cases and rulings (<http://academic.udayton.edu/race/03justice/aalaws01.htm>).

The Legal Status of Free Blacks

The legal status of African-Americans fluctuated a great deal in the North. Slavery had been practiced throughout the northern colonies up to the time of independence, and it is no coincidence that anti-slavery agitation in the North coincided with the American Revolution. Vermont outlawed slavery in 1777, and in 1780 Pennsylvania provided for slaves' gradual emancipation. Other northern states followed suit. New York and New Jersey, whose populations were nearly 8 percent black in 1790, took longer, but by 1810 about three in four African Americans in the North were free, and all soon would be.

Of course freedom was not the same thing as equality. Most free blacks in the North were denied the rights of citizenship, including voting and serving on juries, though such rights expanded gradually in the decades leading up to the Civil War.

Map Resource: *Slavery Ends in the North*. Map showing the progression of the Northern states and emancipation of the slaves.

African Americans in Oregon

Oregon has always been an overwhelming white state, and it has been so very much by design. The great majority of early migrants were Jacksonian Democrats who hated slavery and slaves. They were still racists who believed that slavery gave wealthy whites an unfair advantage. Indeed, an 1844 emigrant remarked, "I'm going to Oregon, where there'll be no slaves, and we'll all start even."

The 1844 provisional government excluded blacks – free or slave – from Oregon, and that exclusion was restated when Oregon became a territory and a state. This policy was enforced only once, in the case of **Jacob Vanderpool [pdf resource]**, but it served to deter African Americans from moving to the state, and those who did move here could not vote and were excluded from the Donation Land Act of 1850. Oregon's African Americans were denied citizenship.

PDF Resources for African Americans in Oregon:

Oregon's Exclusion Laws
Oregon Constitution – 1857 (with primary document images)
African-Americans in Salem

2. The Civil War and Reconstruction

The 13th Amendment: Emancipation

Though the causes of the Civil War were many and complex, disagreements over whether slavery was a moral or immoral institution or whether it should spread or be contained lay at the heart of the conflict. Lincoln campaigned on a platform of not interfering with slavery where it existed and not allowing it to expand further. He asserted that the war was about the Union, about keeping the South from breaking the nation in two. Besides, some slave-holding states were in the Union North, and Lincoln was not sure that the North could win any war without them.

But as slaves deserted to Union lines, it seemed both silly and ill-advised to send them back to the enemy. Lincoln therefore offered a preliminary *Emancipation Proclamation* [[pdf resource with images](#)] which freed all the slaves in areas that were under Confederate control. Then, shortly before the war ended, Congress passed the *13th Amendment* [[pdf resource with image](#)] to the Constitution prohibiting slavery across the United States, and at the end of that year it was ratified.

The 14th and 15th Amendments: Equal Protection under the Law and Voting Rights

Freeing the slaves begged the question of what would become of them. Many early opponents of slavery, after all, had argued that slaves should be returned to Africa, that they were incapable of becoming part of the nation. Certainly free blacks had faced a great deal of legal and social prejudice in the North before the Civil War.

But the Civil War had fired the hopes of black and many white Americans that African Americans could become full citizens. The *14th Amendment* [[pdf resource with image](#)], ratified in 1868, therefore, asserted that all people born or naturalized in the United States were citizens and that states could not deny them “equal protection of the laws.”

The *15th Amendment* [[pdf resource with image](#)], ratified in 1870, elaborated on what citizenship for African-American men would entail by making it illegal to keep them from voting. Since just two years before only eight states in the North had granted African Americans the franchise, this was a remarkable shift.

Most white Southerners believed that these amendments constituted an attempt by Northerners to impose on them an unwelcome system of racial equality, an act that they regarded as a breach of states’ rights.

The Rise of Jim Crow

By the time that Reconstruction ended in 1877, the nation’s outlook had turned conservative. White Northerners’ resentments against former “rebels” and their empathy for former slaves had faded.

Left to their own devices, the “redeemed” white governments of southern states effectively neutralized the great majority of gains that African Americans had made during Reconstruction. White election leaders manipulated voting results and by the end of the century had created literacy tests and other tools to keep African Americans from voting at all.

The Supreme Court also became hostile to black rights. In *Plessy v. Ferguson* [pdf resource], the notorious 1896 case, the court said that states could have “separate but equal” public accommodations for African Americans, that segregation was not discriminatory. Two years later it declared that literacy tests for African Americans who wished to vote were not discriminatory, even though the Mississippi state law under consideration stated that illiterate whites could vote.

Extra-legal groups also robbed African Americans of their rights. The Ku Klux Klan arose after the Civil War to intimidate, torture, and kill African Americans who asserted themselves politically or succeeded economically. White lynch mobs murdered nearly 200 African Americans per year in the 1890s.

PDF Resources: Other cases that could be explored on the issue of race, segregation, citizenship include Hall v. DeCuir, US v. Harris and Williams v. State of MS

PDF Book Resource: “*The United States In Our Own Time: A History from Reconstruction to Expansion*” (published 1895) – see Chapter XVIII for insight into suffrage and the disenfranchisement of Blacks of the South.

Oregon and African Americans in the Late Nineteenth Century

Oregon whites, like many of their counterparts across the West and the North, were often put off and alarmed by the legal gains made by African Americans during the Civil War and Reconstruction. The state did not ratify the Fifteenth Amendment, and African Americans continued to suffer discrimination in education and employment and segregation in housing and public accommodations (hotels, restaurants, and theaters).

Though the 15th Amendment became part of the U.S. Constitution by the ratification of a minimum of 3/4 of the states, Oregon did not officially ratify the 15th Amendment until February 24, 1959.

White residents in many Oregon towns refused to allow black people to live there, and barely 1,000 African Americans resided in the state by 1900.

But African Americans increasingly asserted themselves. They held annual celebrations to commemorate the Emancipation Proclamation and in 1879 organized the Portland Colored Immigration Society to encourage black people to move to Oregon. By 1894 Portland’s African-American newspaper had a political club, and two years later they had a newspaper (*The New Age*). Copies of *The New Age* can be viewed at the Oregon Historical Society Archives (www.ohs.org).

3. Expanding the Franchise among White Males

Background

Representative government had expanded slowly and fitfully in Europe until the nineteenth century. Monarchs still held a great deal of power and were understood to have a divine right to govern. It was only during the nineteenth century in England, especially, legislatures of representatives elected by popular vote gradually cut into royal power.

In the eighteenth century, though, even nations with legislative assemblies allowed only a small fraction of adults to vote. People in the western world believed that only people of independent and often substantial means should exercise the franchise. They believed that people of property had a stake in society that poorer people did not, that only a small minority of citizens were capable of voting wisely.

The thirteen colonies had relatively liberal suffrage requirements. One had to be a white male twenty-one years or older, and usually Protestant. Most all such people could vote in local elections, although voting at the provincial level required owning some land or a certain amount of personal property. Roughly one half of adult white males met these criteria.

State Constitutions in the New Nation

Most patriots rejected the principals of monarchy and wanted a republic run by people who had been elected to office. But most of these patriots did not favor what we understand to be a democracy, a form of government that to them smacked of mob rule. The constitution established that the president and senators were to be elected indirectly. Only members of the House of Representatives were elected directly. And the states continued to restrict voting by race, gender, and usually property.

Voting requirements varied a great deal from state to state in the young nation. Pennsylvania's constitution allowed every adult male who paid taxes and who had lived in the state for a year to vote. This was close to universal suffrage for white men. Maryland lay at the other extreme; barely one in ten white males were eligible to vote for even the representatives in its lower house.

PDF Resources: *Change in the Voting Franchise* (from EDSiteMent); *Suffrage* (from the Constitution Convention of 1787 website).

Web Resources on Suffrage and State Constitutions: Wisconsin Historical Society: *Wisconsin Debates Suffrage* (1846) at <http://www.wisconsinhistory.org/turningpoints/search.asp?id=55>.

Expansion

If the majority of early patriots had feared democracy, they abhorred the idea of party or faction. But the appearance of political parties in the 1790s facilitated the expansion of the franchise and

other elements of democratic politics. The Federalist Party argued that only those with property should vote. Noah Webster explained: “a Republican government can be rendered durable in no other way than by excluding from elections men who have so little property, education, or principle, that they were liable to yield their own opinions to the guidance of unprincipled leaders.” The Jeffersonian Republicans, the precursor of the Democratic Party, had a more liberal view, and it became more liberal over time in part because newly enfranchised voters tended to be put off by what struck them as Federalist elitism. Indeed, the Federalist Party withered and died early in the nineteenth century.

By the 1820s, most states allowed all white males to vote – this at a time when the great majority of European men still could not.

Web Resources for the Federalist/Anti-Federalist Debate:

Library of Congress American Memory “A Century of Lawmaking for a New Nation” (<http://memory.loc.gov/ammem/amlaw/lawhome.html>).

Library of Congress THOMAS “The Federalist Papers” available for download (<http://thomas.loc.gov/home/histdox/fedpapers.html>).

The Anti-Federalist Papers (WEPIN Store at <http://www.wepin.com/articles/afp/index.htm> or The Constitution Society at <http://www.constitution.org/afp/afp.htm>).

From Revolution to Reconstruction: The Constitutional Convention Debates (Anti-Federalist Papers) on *The Qualifications of Suffrage* (<http://www.let.rug.nl/usa/D/1776-1800/federalist/anti24.htm>).

Jacksonian Democracy

A shift in political culture followed the expansion of the franchise. Political parties (by the 1830s the Democratic Party and the Whig Party) generated a great deal of personal loyalty and identification. Few voters identified themselves as independents, and party affiliation related closely to ethnicity, often even occupation.

The Democratic Party dominated the antebellum period, the decades before the Civil War, on the national level and it did so in large part because of the figure of Andrew Jackson. Jackson’s millions of loyal backers asserted that he represented the essence of America and the Democratic Party. He was a self-made man of relatively humble origins and had little formal education. He was a military man and Indian fighter, a man of action, not reflection, and he had an iron will. In short, he was the sort of man that many ordinary Americans could or wished to identify with. Indeed, politicians of this time period found it necessary to emphasize whatever tokens of a humble upbringing they could muster. If you had not been born in a log cabin, it would be good to find a close relation who had, and politicians went out of their way to emphasize that they were men of simple, not aristocratic, tastes.

PDF Text: Andrew Jackson’s *First Inaugural Address* with original documents.

Web Resources for Andrew Jackson and Jacksonian Democracy:

Jacksonian Democracy. For a review of Jacksonian Democracy see Digital History's website (<http://www.digitalhistory.uh.edu/database/subtitles.cfm?TitleID=92>).

The Papers of Andrew Jackson from the Avalon Project (<http://www.yale.edu/lawweb/avalon/presiden/jackpap.htm>).

Andrew Jackson Inaugural from the Library of Congress (<http://memory.loc.gov/ammem/pihtml/pi011.html>).

The Culture of Democracy in Oregon

Jacksonian Democracy thrived in early Oregon. Most of its residents were transplanted from the Midwest, and many had roots in the Upper South. Most were enthusiastic and loyal members of the Democratic Party, particularly in the middle and upper Willamette Valley. It is no coincidence that so many early Oregon counties were named for prominent Democrats: Jackson, Polk, Benton, Linn, Marion, and Lane.

Map Resource: *Place of Birth of Oregon Residents* (1850) based on the Oregon Territorial Census.

Indeed, Democrat ***Joseph Lane*** [pdf resource] was the most popular and powerful politician in early Oregon. Like Jackson, he was unpolished and charismatic, with a strong military background. He served as the territory's first governor before becoming a congressman.

At the grass-roots level, belonging to the Democratic Party was an intense social experience. The Willamette Valley was cross-hatched with kin relationships, and families and neighbors in the 1840s and 1850s went to the polls together, where they cast their vote publicly in front of approving peers. Here, as elsewhere, election days were occasions to celebrate shared values and loyalties, often lubricated with generous amounts of liquor and speechifying.

Book Resources (Joseph Lane and Oregon frontier politics):

Hendrickson, James E. 1967. *Joe Lane of Oregon: Machine Politics and the Sectional Crisis, 1849-1861.* New Haven, CT: Yale University Press.

Johannsen, Robert W. 1956. *Frontier Politics and the Sectional Conflict: The Pacific Northwest on the Eve of the Civil War.* Seattle, WA: University of Washington Press.

4. Women and Citizenship

Background

Women in the American colonies had very few legal rights. Their legal standing was understood to be subsumed by their fathers or husbands. Wives were, in a sense, legally invisible. They could seldom sue or be sued, for example, or own property of their own.

As with slavery, the American Revolution's emphasis on liberty prompted some patriots to question the subjection of women. But few advocated a significant expansion of women's political rights, and little expansion occurred until well into the nineteenth century.

The Struggle for Legal Rights

Access to suffrage was but one of many political inequities that reformers struggled to overcome in the nineteenth century. As with the battle for suffrage, these reforms were achieved painstakingly, state by state.

States liberalized their divorce laws during the nineteenth century, which made it easier for women to divorce and to do so on broader grounds (desertion, habitual drunkenness, adultery, and cruelty), and judges shifted from usually awarding custody to fathers. Judges often awarded property or money to divorcing wives, particularly those with children to support. Many states also passed legislation allowing women to keep the property that they brought to their marriages. Women's rights advocates by the 1850s argued that wives should also be able to control the money that they earned while married. New York State agreed in 1860, and several other states followed.

Suffrage

Traditionalists saw no reason for women to have the right to vote. They argued that in politics, as in law, husbands represented their wives. Others simply asserted that women's natures would be corrupted by political participation.

The first territories to pass women's suffrage did so for reasons largely unrelated to women's rights. The Mormons of Utah enfranchised women to increase their political power (there being few non-Mormon women in Utah), and the year before, in 1869, Wyoming legislators evidently had hoped that granting women the vote might draw some more of them to their isolated territory.

Only a minority of reformers advocated that women get the vote before the Civil War, and the women's rights movement fractured in the war's aftermath over whether reformers should insist that women, as well as African-American men, should get the vote.

Women's suffrage did not become a large reform movement until late in the nineteenth century, and it had succeeded in several western states by the early twentieth century.

Some women turned the conservative argument on its head by arguing that women's purportedly superior morals would enable them to clean up politics. Some well-educated women asserted that it was hardly fair to allow poor, immigrant, or dark-skinned men to vote while denying that right to women. But a growing number of women simply asserted that they had a moral and legal right to vote.

PDF Resources for Women's Suffrage:

The 19th Amendment with images (Source: Library of Congress)

Women's Suffrage Summary with biographies of Judith Sargent Murray, Elizabeth Cady Stanton, and Susan B. Anthony (various sources).

Sojourner Truth's "Ain't I a Woman" Speech (Source:

Book Resources for Judith Sargent Murray and other Suffrage Documents:

Field, Vena Bernadatte. 1931. *Constantia: A Study of the Life and Works of Judith Sargent Murray, 1751-1820*. Orono, ME: University Press.

Sklar, Kathryn Kish. 2000. *Women's Rights Emerges Within the Antislavery Movement, 830-1870: A Brief History with Documents*. New York: Bedford/St. Martin's Press.

Web Resources for Women's Suffrage:

Library of Congress "National American Woman Suffrage Association Collection 1848-1921" at <http://memory.loc.gov/ammem/naw/nawshome.html>.

PBS "Not for Ourselves Alone" – Elizabeth Cady Stanton and Susan B. Anthony (<http://www.pbs.org/stantonanthony/>).

The Trial of Susan B. Anthony, 1873 (from the Famous Trials page at <http://www.law.umkc.edu/faculty/projects/ftrials/anthony/sbahome.html>).

Collection of Public-Access Photos of Suffrage Activities (1913-1917) at http://womenshistory.about.com/library/pic/bl_p_suffrage_movement.htm.

Women's Rights in Oregon

Jacksonian Democrats, who seldom worried about women's rights, and Oregon women were too isolated and preoccupied by other concerns to turn their attentions to reform until well after the Civil War. The first women's temperance movement did not appear until 1874, and only one of the participants had ever before spoken in public.

Abigail Scott Duniway [pdf resource] had begun her newspaper that advocated women's rights three years before this, and she remained the state's most prominent advocate of these causes until her death in 1914, two years after women had at last gained the vote.

But Oregon women gained some substantial rights in the nineteenth century. The ***Donation Land Claim Act of 1850*** [pdf resource] stipulated that women could claim 360 acres. The 1857 constitution established that women could continue to own the property they brought to a marriage, and the state legislature passed a law in 1872 protecting their earnings from their husbands' creditors. Oregon also had one of the most liberal divorce laws in the nation.

PDF Resource: *Proclamation of Women's Suffrage in Oregon.*

Book Resources for works by Abigail Scott Duniway:

Abigail Scott Duniway. 1914. *Path Breaking: An Autobiographical History of the Equal Suffrage Movement in Pacific Coast States*, 2nd Edition. New York: Schocken Books.

Ward, Jean W. and Elaine M. Maveety (eds). 2000. *"Yours for Liberty": Selections from Abigail Scott Duniway's Suffrage Newspaper.* Corvallis, OR: Oregon State University Press.

Web Resources for Abigail Scott Duniway:

Abigail Scott Duniway (U of OR "Feminist Voices and Visions") at <http://libweb.uoregon.edu/ec/exhibits/feminist-voices/absd.html>.

Women of the West Museum – Suffrage in Oregon at http://www.museumoftheamericanwest.org/explore/exhibits/suffrage/abigail3_full.html.

OPB Oregon Experience - Abigail Scott Duniway at <http://www.opb.org/programs/oregonexperience/duniway/>.

5. Native Americans

Limited Sovereignty

Since the inception of the United States, Indian nations or tribes have been understood to exist in a condition of *limited sovereignty* [pdf resource].

Before conquest and colonization, that condition meant that the United States was bound – in theory if not practice – to respect the rights of tribes to their land. The leaders of the United States, furthermore, assumed and asserted that Indian nations would eventually cede most of their land via treaty to the United States, and many believed that Indians would, in time, literally blend into the larger nation's population.

The process of colonization proved to be much more coercive and brutal than anticipated, but elements of the notion of limited sovereignty survived it. To this day, Indian tribes are understood to have certain distinctive rights. Some of those rights are assigned by treaty, but others are a survival of the early belief that Indians belonged to tribes as well as of the United States.

Treaties

North American Indian nations began making treaties with whites long before the American Revolution. Such treaties were rooted in the reality that each party had something the other wished: Native Americans often desired European trade goods, and Europeans often desired Native American lands.

But several factors complicated these exchanges, particularly by the time that the United States was created. The two sets of parties were divided by language and often misunderstood each other. Nor was language the only cultural barrier. Indian nations did not share Euro-American practices of land ownership. A treaty that European or United States negotiators understood to constitute a simple transfer of land might be understood by Native Americans as simply granting the newcomers use – and not an exclusive one – of the land’s products. Native Americans also practiced a much more diffuse style of political authority than did their Euro-American counterparts, who repeatedly expected a single Native American leader to speak for an entire nation. The fact that one or several leaders agreed to a treaty did not mean that a majority – let alone all – members of that nation agreed to it. Nor were Indian nations necessarily as eager to acquire trade goods or promised annuities as the federal government was eager to acquire Indian land. The United States, furthermore, expected Indian nations to abide immediately by the terms of treaties that Congress might take years to ratify and prove reluctant to fund – or might never agree to at all. The United States also commonly followed one set of treaties with demands that Native Americans surrender still more land, for the demands of land-hungry whites weighed much more heavily on the scales of American politics than did the provisions of Indian treaties.

These stumbling blocks did not keep treaties from being signed. The United States had ratified some 370 by the year 1871. But many of these treaties were misunderstood, contested by significant factions of the tribes they concerned, signed under duress, and only partially implemented.

Web Resource: Yale University’s Avalon Project contains a comprehensive list and transcriptions of *Indian Treaties*, sorted by year and tribe (<http://www.yale.edu/lawweb/avalon/ntreaty/ntreaty.htm>).

Wars

Given the above narrative, it is hardly surprising that Native Americans and the United States were so often at war in the nineteenth century. Not everyone fought. Some groups, as in Central California, were simply so overwhelmed by white newcomers that armed resistance was not a viable strategy, even in the short term. Others, like the Crow of the Northern Great Plains, believed that the United States was too strong to resist and that an alliance with the United States would both give them leverage in treaty negotiations and assist them in resisting their traditional enemies. Even so, warfare broke out repeatedly from the Appalachian Mountains to the Pacific Ocean during the 1800s. Many of these wars – such as most of the conflicts on the Great Plains – occurred because so many indigenous people were unwilling to surrender their lands and preferred to fight for their independence than to go to reservations.

Map Resources: Map poster of *Indian Battles (1501-1890)* and a map of *Indian Land Cessions (1750-1890)*

But these conflicts were not inevitable. Indian wars were virtually nonexistent to the north, in Canada. There were, to be sure, fewer settlers there, but Canadians also had a much stronger federal government on their frontiers, one that both negotiated with Indians before large numbers

of settlers appeared and more closely controlled those settlers. In the democratic United States, by way of contrast, settlement ordinarily preceded the federal government, and settlers commonly provoked conflicts by disrupting Native economies or instigated shooting wars that the federal government was then drawn into – on the side of its citizens, of course.

Nor were treaties any guarantee that conflict would not occur. The contested and murky nature of many treaties, together with their haphazard implementation, guaranteed that many Indians would refuse to abide by their provisions and to conclude that they had little to lose by taking up arms to fight for their land.

Book Resources:

Perdue, Theda and Michael D. Green (eds). 1995. *The Cherokee Removal: A Brief History with Documents*. Boston: St. Martin's Press. Documents the Indian side of the treaty process.

Beckham, Stephen Dow (ed). 2006. *Oregon Indians: Voices from Two Centuries*. Corvallis, OR: Oregon State University Press.

Oregon Treaties and Wars

As elsewhere in the nation, settlement commonly preceded treaties in Oregon. By 1855, before a single treaty had been ratified, more than 7,000 claims on 2.5 million acres had been filed. In the Willamette Valley the settlers were so numerous and the Indians so reduced by disease that they had little choice than to do whatever the federal government required of them. Armed resistance would obviously be futile.

Treaty making began in 1851 but was stalled for several years, as Congress refused to ratify agreements that did not remove western Oregon's Indians to the eastern side of the Cascade Mountains. Oregon's Indians had ceded most of their lands by 1865. But coastal and southeast lands were acquired by the federal government without benefit of treaty. The payments of monies and goods and the rights granted by the treaties, moreover, were often meager or even missing altogether.

Aggressive settlement coupled with bungled treaties prompted many Native Americans to take up arms in Oregon. The Cayuse began their 1847 uprising by killing the Whitmans, a missionary couple. Their neighbors on the Columbia Plateau, the Nez Perce, avoided warfare with whites until 1877, when a minority led by Chief Joseph engaged in a fighting retreat as they tried to flee to Canada. A series of bloody conflicts broke out in Southern Oregon between 1851, when a gold rush drew thousands of miners to the region, and 1856, when most of the Indian survivors were exiled to the Siletz Reservation. The Modoc remained along the Oregon-California border before going to the Klamath Reservation in 1864. Poor conditions there prompted many to leave, and war broke out in 1872 when the federal government tried to force them onto a reservation. The survivors of that conflict were sent to Oklahoma. Paiute of the Great Basin took up raiding in the years before the Civil War, were defeated in 1868, then joined the Bannock War of 1878.

Map Resources: Maps of *OR Tribal Groups* (1850) and *OR Indian Battles* (1835-1856). Source: The Atlas of Oregon.

6. Native Americans on the Reservation

The Reservation System as an Ideal

For many years, Indian nations or tribes upon losing their land either survived on the margins of white communities or moved West. Indeed, early in the nineteenth century the lands along the west bank of the Mississippi served as a sort of Indian country, where nations such as the Cherokee were sent. It soon became clear, however, that white settlers would be moving across the Mississippi River much sooner than anticipated.

The reservation system emerged as the federal government's major solution to the problem of how to make Indian land available to whites while protecting and acculturating Indians. Reservations were much smaller than the lands that Indian nations had previously controlled, in part because groups from several nations were commonly combined on the same reservation. These reservations were typically located on poor land, both because whites did not desire such land and because policy makers wanted to isolate Indians from the corrupt influence of white traders, especially those who traded in alcohol. Reservations would serve, government officials hoped and anticipated, as laboratories in which Indians could learn farming and trades under the protection of federal agents. It would prepare them for joining and blending with the American mainstream within a few generations.

The Reservation System in Practice

As racist as the assumption of Indian acculturation was, its proponents at least believed that Indians were as capable of learning and living as whites did. As the nineteenth century progressed, however, more and more Americans were influenced by ideas of racial hierarchy in which non-white races were said to be forever stuck in a less civilized state.

Even those Indians who wished to become educated in white ways therefore found substantial barriers. Congress was often unwilling to fund reservations and to fulfill treaty obligations, and the goods and personnel assigned to reservations were often of very poor quality. Indian tribes usually lived side by side with tribes of different cultures, sometimes former enemies. Their teachers were often more interested in extracting labor from them than in teaching them, and Indians who tried to making a living as farmers commonly found that they were stuck with inferior land and equipment. Many Native Americans, furthermore, did not desire to change their way of life.

By the early twentieth century, then, Indians were the most impoverished and invisible people in the United States. They had lost their political independence and much of their culture had eroded. Indian agents tended to be authoritarian, and educators discouraged or prohibited traditional languages, rituals, and dress.

Book Resource: O'Neill, Terry (ed). 2002. *The Indian Reservation System*. San Diego, CA: Greenhaven Press.

The Dawes Act

American policy makers in the late nineteenth century believed that Indians were largely responsible for the difficulties they faced. They pointed to communalism, a lack of individualism, as the culprit.

The ***Dawes Severalty Act of 1887*** [**pdf resource**] aimed to destroy communal practices of holding land in common by assigning each Indian family a plot of 160 acres or so. If each head of household owned his (or, occasionally, her) own piece of land and the profits that accrued from farming it, then he or she would presumably be much more motivated to work hard. The act aimed to infuse the Protestant work ethic and American individualism into societies that had practiced an ethos of shared work and resources.

Less lofty goals also informed the legislation: the desire to acquire Indian land. Indeed, land that was not allotted became available to whites, which created a sort of checkerboard pattern of land ownership still evident on many reservations. The amount of land owned by Native Americans declined still further in the coming decades as local whites found ways both ingenious and foul to acquire allotments that were supposed to remain in Indian hands in perpetuity. Even those Native Americans who retained their land, moreover, commonly leased it out rather than worked it themselves.

Citizenship

The relationship between Indians and the nation remained cloudy and contested in the nineteenth century. In practice, certainly, Indians enjoyed few rights on reservations, where they were at the mercy of agents who controlled the distribution of goods. Indeed, the Supreme Court ruled in 1831 that tribes were “in a state of pupilage.”

Policy makers also debated to what extent the federal government could or should intervene in legal matters that concerned only Native Americans. In 1883, for example, the Supreme Court ruled that the Dakota territorial court had exceeded its reach in sentencing to death Crow Dog for murdering a fellow Indian. Congress reacted by passing legislation that gave the federal government more jurisdiction over Indians’ internal affairs, and in 1886 the Supreme Court ruled that the federal government, though not states, had jurisdiction on reservations.

PDF Resource: *The Crow Dog Case - Supreme Court, 1886* (Source: Justia.com).

Relatively few Indians became U.S. citizens until the ***1924 Indian Citizenship Act*** [**pdf resource**].

The Reservation System in Oregon

As elsewhere in the West, reservations typically followed treaties and warfare. Some were short lived. The Siletz Reservation stretched across more than one third of the Oregon coast in the 1850s but had all but vanished a half century later. The Warm Springs, Umatilla, and Klamath Reservations remained substantial, though much reduced by allotment.

Death rates were particularly high at Siletz, where most of the Indians who had survived warfare in Southern Oregon had been forced to go. Some groups experienced mortality rates of more than 50 percent in less than a decade. Native Americans struggled to maintain their culture as their numbers declined and as they lived side by side with those of different cultures. Schools quickly appeared on the reservations, and in 1880 the Bureau of Indian Affairs opened an Indian Training School in which pupils lived apart from their parents.

Map Resource: *Oregon Reservations 1850-1972* (Source: The Atlas of Oregon).

Web Resource: Library of Congress Records on *Indian Land Cessions* (with maps) at <http://memory.loc.gov/ammem/amlaw/lwss-ilc.html>.

Other Peoples of Color in Oregon

Native Americans and African Americans were not the only minorities to face widespread discrimination in nineteenth-century Oregon. Those of Hawaiian, Latin American, Chinese, and Japanese ancestry also confronted legal and social forms of racism. Anti-Chinese sentiment was particularly strong, as Chinese immigrants soon constituted the largest non-white population in the state. Chinese Americans found it difficult to mine gold or own real property and commonly had to pay special taxes. They were denied the rights of citizenship, and the ***Chinese Exclusion Act of 1882*** [pdf resource], a federal law supported by many white Oregonians, sought to reduce dramatically their numbers.

People now considered “white,” such as immigrants from Italy and other parts of southern, central, or eastern Europe also faced a great deal of social discrimination at the turn of the twentieth century, though they faced less barriers to citizenship than did their counterparts from Asia.

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