

Oregon Constitution Exclusion Language

Although many southern, and some western, states instituted similar laws, Oregon was the only state in the union to write exclusion into its constitution.

From The Constitution of the State of Oregon (1857):

Article 1 Section 31.--White foreigners who are, or may hereafter become residents of this State shall enjoy the same rights in respect to the possession, enjoyment, and descent of property as native born citizens. And the Legislative Assembly shall have power to restrain, and regulate the immigration to this State of persons not qualified to become citizens of the United States.

Article I Section 34--There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted.

Article I Section 35.-- No free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the state, or employ, or harbor them. (Repealed November 3, 1926).

Article 11 Section 6.--No Negro, Chinaman, or Mulatto shall have the right of suffrage. (Repealed June 28, 1927).

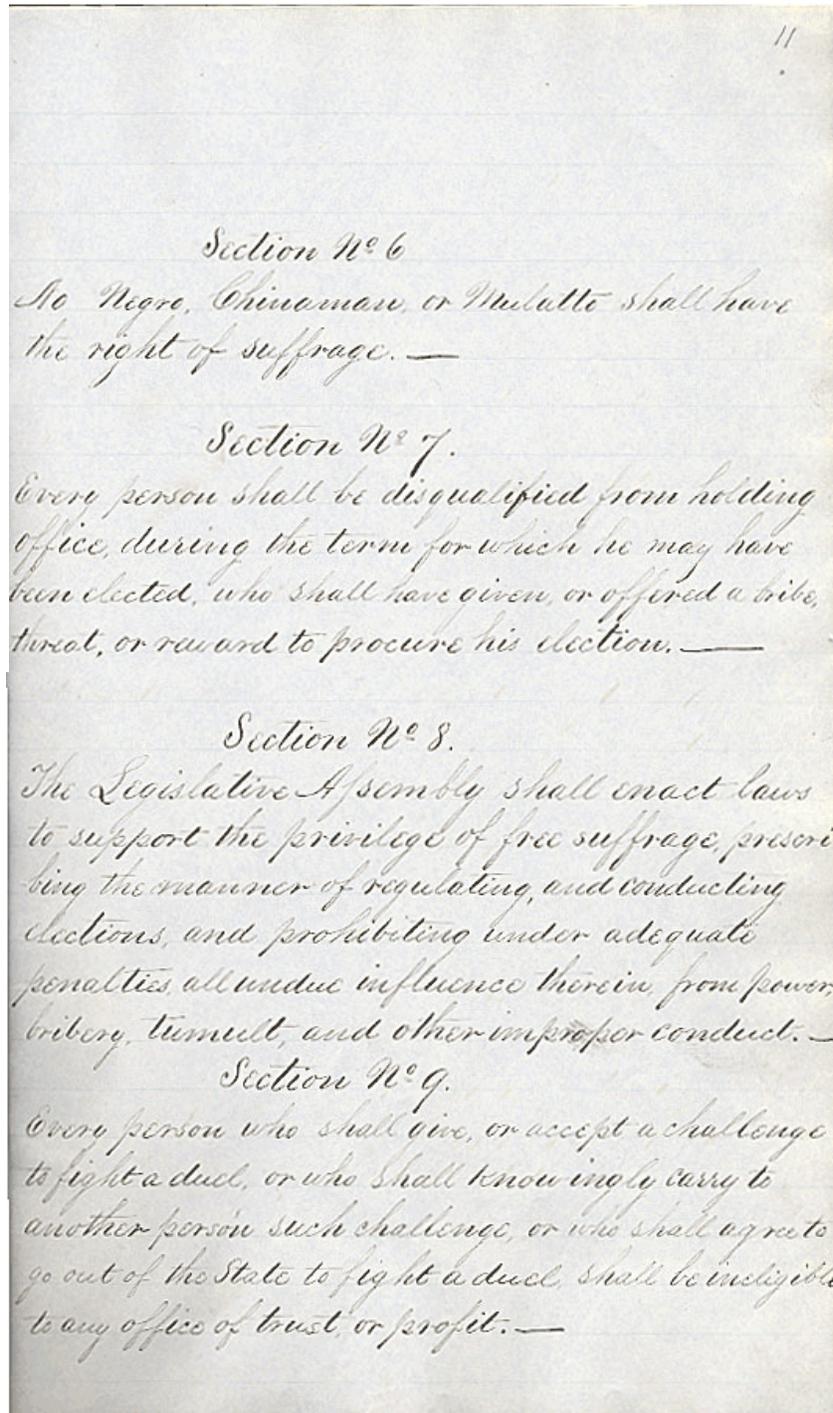
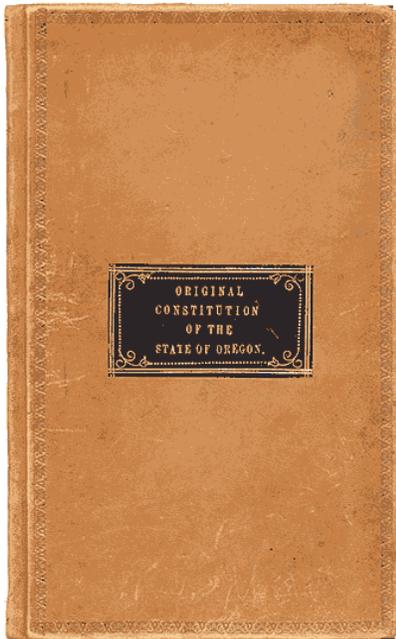
Source: <http://www.ccrh.org/comm/slough/primary/orgconst.htm>

Slavery and the Exclusion Laws in the 1857 Oregon Constitution:

(Original pages of the 1857 Oregon Constitution available at

<http://bluebook.state.or.us/state/constitution/OGConstitution/ORConstitution/OriginalHeading.htm>.)

Oregon became a State in 1859, but its constitution was approved in 1857. In the original Constitution, Article II, Sec. 6 provided that "No Negro, Chinaman or Mulatto shall have the right of suffrage."



Article XVIII, the "Schedule," gave the voters of Oregon (about 10,000 at the time) three questions to answer when they went to the polls in 1857 to approve the Constitution. Sec. 2 of that original Article XVIII provided as follows:

"Sec. 2. Each elector who offers to vote upon this Constitution, shall be asked by the judges of election this question:

Do you vote for the Constitution? Yes, or No.

**And also this question:
Do you vote for Slavery in Oregon? Yes, or No.**

**And also this question:
Do you vote for free Negroes in Oregon? Yes, or No.**

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Article XVIII
Schedule.

Section N^o 1.-

For the purpose of taking the vote of the electors of the State for the acceptance or rejection of this Constitution, an election shall be held on the second Monday of November, in the year 1857, to be conducted according to existing laws regulating the election of Delegate in Congress, so far as applicable, except as herein otherwise provided.

Section N^o 2.

Each elector, who offers to vote upon this Constitution, shall be asked by the judges of election this question:
Do you vote for the Constitution? Yes, or No.
And also this question:
Do you vote for Slavery in Oregon? Yes, or No.
And also this question:
Do you vote for free Negroes in Oregon? Yes, or No.
And in the poll books shall be columns headed respectively:
"Constitution, Yes." "Constitution, No."
"Free Negroes, Yes." "Free Negroes, No."
"Slavery, Yes." "Slavery, No."
And the names of the electors shall be entered in the poll books, together

Section 4 of Article XVIII went on to provide:

"If this Constitution shall be accepted by the electors, and a majority of all the votes given for, and against slavery, shall be given for slavery, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

'Sec. ____ "Persons lawfully held as slaves in any State, Territory, or District of the United States, under the laws thereof, may be brought into this State, and such Slaves, and their descendants may be held as slaves within this State, and shall not be emancipated without the consent of their owners.'"

Thus, if the people wanted slavery, the will of the voters would be recorded in what were called the "unnumbered" sections of Article I of the Oregon Constitution. The same section of Article XVIII went on to provide, however, that if the voters of Oregon rejected slavery, then the following wording would be added to the Oregon Constitution:

"Sec. ____ There shall be neither slavery, nor involuntary servitude in the Sate, otherwise than as a punishment for crime, whereof the party shall have been duly convicted."

Because the slavery provision was roundly defeated, the latter section was added to the Oregon Constitution as Article 1, Sec. 34.

The final question put to the voters was on Free Blacks. the precise wording of original Article XVIII, Sec. 4 was:

"And if a majority of all the votes given for, and against free negroes, shall be given against free negroes, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

"Sec. ____ no free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution [i.e., 1857], shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein; and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattoes, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ, or harbor them."

In its most basic terms this article excludes Blacks from the State who weren't there in 1857 (this would probably only have been a handful). The citizens of Oregon voted to exclude Free Blacks by a wide margin, and the above statement became Article 1, Sec. 35 of the Oregon Constitution. This section was not officially repealed by the voters of Oregon until Nov. 2, 1926.

Oregon voted not to permit slavery in the State, but it also voted to exclude any "free negroes" from the State except those who had been living in Oregon in 1857.

with their answers to the said questions, under their appropriate hands. The abstracts of the votes transmitted to the Secretary of the Territory, shall be publicly opened, and canvassed by the Governor and Secretary, or by either of them in the absence of the other; and the Governor, or in his absence the Secretary, shall forthwith issue his proclamation, and publish the same in the several newspapers printed in this State, declaring the result of the said election upon each of said questions. —

Section No 3.

If a majority of all the votes given for, and against the Constitution, shall be given for the Constitution, then this Constitution shall be deemed to be approved, and accepted by the electors of the State, and shall take effect accordingly: and if a majority of such votes shall be given against the Constitution, then this Constitution shall be deemed to be rejected by the electors of the State, and shall be void. —

Section No 4.

If this Constitution shall be accepted by the electors, and a majority of all the votes given for, and against slavery, shall be given for slavery, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

Sec. — Persons lawfully held as slaves in any State, Territory, or District of the United States, under the laws thereof, may be brought into this State, and such Slaves, and their descendants may be held as slaves within this State, and shall not be emancipated

without the consent of their owners."

And if a majority of such votes shall be given against slavery, then the foregoing section shall not, but the following sections shall be added to the Bill of Rights, and shall be a part of this Constitution.

"Sec. - There shall be neither slavery, nor involuntary servitude in the State, otherwise than as a punishment for crime, whereof the party shall have been duly convicted." -

And if a majority of all the votes given for, and against free negroes, shall be given against free negroes, then the following section shall be added to the Bill of Rights, and shall be part of this Constitution:

"Sec. - No free negro, or mulatto, not residing in this State at the time of the adoption of this Constitution, shall come, reside, or be within this State, or hold any real estate, or make any contracts, or maintain any suit therein: and the Legislative Assembly shall provide by penal laws, for the removal, by public officers, of all such negroes, and mulattos, and for their effectual exclusion from the State, and for the punishment of persons who shall bring them into the State, or employ, or harbor them."

Section N^o 5. -

Until an enumeration of the white inhabitants of the State shall be made, and the senators and representatives apportioned as directed in the Constitution, the County of Marion shall have two senators, and four representatives. -