

1844--AMENDMENT TO THE ORGANIC LAW. After arrival of great Wagon Train.

An Act in regard to Slavery and Free Negroes and Mulattoes.

Be It Enacted by the Legislative Committee of Oregon as follows:

SECTION 1. That slavery and involuntary servitude shall be forever prohibited in Oregon.

SECTION 2. That in all cases where slaves have been or shall hereafter be brought into Oregon, the owners of such slaves shall have the term of three years from the introduction of such slaves to remove them out of the country.

SECTION 3. That if such owners of slaves shall neglect or refuse to remove such slaves from the country within the time specified in the preceding section, such slaves shall be free.

SECTION 4. That when any free negro or mulatto shall have come to Oregon, he or she, the case may be, if of the age of eighteen or upward, shall remove from and leave the country within the term of two years for males and three years for females from the passage of this act; and that if any free negro or mulatto shall hereafter come to Oregon, if of the age aforesaid, he or she shall quit and leave within the term of two years for males and three years for females from his or her arrival in the country.

SECTION 5. That if such free negro or mulatto be under the age aforesaid the terms of time specified in the preceding section shall begin to run when he or she shall arrive at such age.

SECTION 6. That if any such free negro or mulatto shall fail to quit the country as required by this act, he or she may be arrested upon a warrant issued by some justice of the peace, and if guilty upon trial before such justice, shall receive upon his or her bare back not less than twenty nor more than thirty-nine stripes, to be inflicted by the constable of the proper county.

SECTION 7. That if any free negro or mulatto shall fail to quit the country within the term of six months after receiving such stripes, he or she shall again receive the same punishment once in every six months until he or she shall quit the country.

SECTION 8. That when any slave shall obtain his or her freedom, the time specified in the fourth section shall begin to run from the time when such freedom shall be obtained.

THE ABOVE WAS PASSED AT THE JUNE SESSION OF THE LEGISLATIVE COMMITTEE IN 1844

# ORIGINAL OREGON CONSTITUTION

Constitution of the State of Oregon (Adopted Sept. 18, 1857)

## 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 Nov. 3, 1926).



PROHIBITION OF INTERMARRIAGE

Source: The Organic and other Laws of Oregon (1843-1872). Eugene Semple, State Printer, 1874; A.L. Bancroft & Co., San Francisco; Oregon Historical Society.

p. 440 Criminal Code - Title II of Crime and Their Punishments.

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\* paragraph 689 -

"Hereafter it shall not be lawful within this state for any white person, male or female, to intermarry with any Negro, Chinese or any person having one fourth or more Negro, Chinese or Kanaka blood, or any person having more than half Indian blood; and all such marriages, or attempted marriages, shall be absolutely null and void."

paragraph 690 -

"If any white person, Negro, Chinese, Kanaka, or Indian, within the degrees forbidden in section 689, shall knowingly intermarry, or attempt the same, by procuring a solemnization of marriage, under any of the forms or ceremonies legalized in this state, such person or persons, upon conviction thereof, shall be punished by imprisonment in the penitentiary or county jail, not less than three months, nor more than one year."

(2 entitled "an act to prohibit amalgamation and the intermarriage of races" and took effect by operation of the Constitution, January 18, 1867).

paragraph 691 -

"If any person authorized to license marriages or to solemnize marriage, within this state, shall willfully or knowingly license, marry or attempt to marry, any of the persons forbidden to marry by section 689, such person or persons, upon conviction thereof, shall be imprisoned in the penitentiary or county jail, not less than three months, nor more than one year, and be fined not less than one hundred dollars, nor more than one thousand dollars."

(From Frank Schneider, Black Laws of Oregon, p. 71).

In the 1890's an effort was made to repeal the state ban on mixed marriages.

"...Pastor of Portland's AME Zion Church prevailed upon a state senator to introduce a repeal measure in the 1893 legislature;...the bill was defeated in the senate after considerable debate 20-9."

(See Statesman, February 2, 1893, p. 3; Oregonian, February 2, 1893, p. 2).

# Editorials

## from Oregon History

Let's Keep Grants Pass a White Man's Town

(Front page editorial - Southern Oregon Spectator May 24, 1924)

Grants Pass has always been a white man's town and there is no reason under the shining sun why it shouldn't continue to be a white man's town. The fact that this is a white man's country here in this wonderful Rogue River Valley has brought the best of the white race here and such population will bring the cream of the white race here in the future.

The attitudes of the people of this peaceful, law abiding community toward the encroachment of the black, brown or red faces of the land, or the world for that matter is:

NIGGER WE DON'T WANT YOU HERE - AND WE WON'T HAVE YOU HERE - YOU HAD BETTER ROLL UP YOUR BED AND RIDE - THIS IS TO BE A WHITE MAN'S COUNTRY, YESTERDAY, TODAY, AND FOREVER.

WHO WANTS GRANTS PASS TO BE THE SCENE OF A RACE RIOT? WHO WANTS TO SEE the property values slump in Josephine County? Who wants to see the handiwork of years pass into the hands of a designing black race who don't belong in Oregon and who will only cause trouble if they try to come here?

Foreigners of any kind are not wanted in this community that is made up of peaceful white people who are stiving to live, move and have their living in peace with the world, under the law that God has laid down for man to obey . . .

# Knights of the Ku Klux Klan

(Incorporated)



AULIK OF THE  
IMPERIAL WIZARD

Dear Sir:

We have been requested by one of your personal friends to get in touch with you, and inform you of this organization. And, in view of this request, we are sending you this form. When we receive this with all the questions below properly answered by you and if same is satisfactory we will impart to you the information your friend desires you to have. Without delay you will fill in, sign and return. You will find stamped envelope enclosed for this purpose.

Very truly yours,  
KNIGHTS OF THE KU KLUX KLAN,

By \_\_\_\_\_

1. Is the motive prompting your inquiry serious? .....
2. What is your age? .....
3. What is your occupation? .....
4. Where were you born? .....
5. How long have you resided in your present locality? .....
6. Are you married, single or widower? .....
7. Were your parents born in the United States of America? .....
8. Are you a gentile or jew? .....
9. Are you of the white race or of a colored race? .....
10. What educational advantages have you? .....
11. Color of eyes?..... Hair?..... Weight?..... Height?.....
12. Do you believe in the principles of a PURE Americanism? .....
13. Do you believe in White Supremacy? .....
14. What is your politics? .....
15. What is your religious faith? .....
16. Of what church are you a member (if any) .....
17. Of what religious faith are your parents? .....
18. What secret, fraternal orders are you a member of (if any)? .....
19. Do you honestly believe in the practice of REAL fraternity? .....
20. Do you owe ANY KIND of allegiance to any foreign nation, government, institution, sect, people, ruler or person? .....

I most solemnly assert and affirm that each question above is truthfully answered by me and in my own handwriting and that below is my real signature.

Signed.....  
Inquirer

Business Address ..... Residence Address .....

Telephone No.....

Date.....19..... Telephone No.....

N. B.—If space above is not sufficient to answer question, then make your answer on the other side of this sheet. Number the answer to correspond with the question.



KKK From Portland Telegram August 2, 1921

From Left:

Rep. From National Safety Council  
Senior Captain, Portland Police  
Leon Jenkins, Chief of Police  
Tom Hurlburt, Sheriff  
Walter Evans, D.A.  
"Major" Luther Powell, King Kleagle  
Lester Humphrey, U.S. Attorney  
Special Agent, Justice Department  
George Baker, Mayor of Portland  
Philip S. Malcolm, Inspector General in Oregon  
for Supreme Council Scottish Rite Masons  
Fred L. Gifford, Exalted Cyclops

Courtesy of  
Oregon Historical society

Photograph Department  
Negative Number: Orh. 54338 #625



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# Measure No. 14

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## EXPLANATORY STATEMENT

The Oregon Constitution, adopted before the Civil War, referred to the state's "white population," "white" inhabitants, "free Negroes" and "mulattoes." These references are obsolete. In some cases, amendments have superseded the references. In other cases, the references are in sections that no longer have any force or effect. Nevertheless, the references to race remain in the constitution. Ballot Measure 14 removes the references to race. The measure does not change the constitution in any other way.

The Oregon Constitution contains language that establishes numerical thresholds for expanding the number of State Supreme Court Justices, requiring that Supreme Court and Circuit Judges be elected by the people, and requiring that counties be reimbursed for certain court costs. The numerical thresholds are not tied to the number of citizens residing in Oregon, but are instead tied to the number of white inhabitants of the state.

The Oregon Constitution was ratified in 1857, prior to the Civil War. Prior to adoption of the Oregon Constitution, the Oregon Territory had enacted two African-American exclusion bills (1844 and 1849) that banned African-Americans from owning property or residing in Oregon.

The 14th Amendment to the United States Constitution was ratified in 1868. The 14th Amendment provides that anyone born or naturalized in the United States is a citizen. The 14th Amendment also bans states from enacting or enforcing laws that deny citizens equal protection or due process of law based on race. In 1925, Oregon voters repealed the constitutional provisions relating to the exclusion of African-Americans. However, the language relating to race remains in the Oregon Constitution.

Ballot Measure 14 removes the references to race in these sections of the constitution, and also corrects some spelling errors. The measure does not change the constitution in any other way, and the original language will remain as part of the historical record.

